



## **Licensing Sub Committee Hearing Panel**

Date: Wednesday, 21 February 2024

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

This is a **second supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

### **Access to the Council Chamber**

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

**There is no public access from any other entrances of the Extension.**

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** - Connolly, Evans and T Judge

## Supplementary Agenda

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4. **Application for a New Premises Licence - Co-op Live, Etihad Campus, Manchester, M11 3FF** 3 - 308  
Now contains additional information as submitted by ASM Global in support of their representation.

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Thursday, 15 February 2024** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**REPRESENTATION AGAINST FOR GRANT OF A PREMISES LICENCE**

**CO-OP LIVE**

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2. OVG Manchester: Operating Schedule and Event Management Plan (Version 1.3 dated 03 March 2020)
3. Greater Manchester Police: Crime Impact Statement (Ref: 2019/0841/CIS/01)
4. Email: Greater Manchester Police re. Planning 30 April 2020
5. Planning Committee Report (Hearing: 24 September 2020)
6. Planning Decision Notice (Published 20 October 2020)
7. Statement of Licensing Policy 2021 – 2026 (Extracts)
8. Etihad Stadium Premises Licence 177332 granted 07 August 2015
9. Crawley Borough Council -v- S. & A. Attenborough [2006] EWHC 1278
10. Forster -v- The Secretary of State for Communities and Local Government and Others [2016] EWCA Civ 609

[www.philhadfield.co.uk](http://www.philhadfield.co.uk)

## **New Premises Licence Application**

***'CO-OP LIVE' ARENA***

***Etihad Campus***

***Sport City Way / Alan Turing Way***

***Manchester***

***M11 3DU***

Proposed Operations and Licensing  
Impacts Assessment (January, 2024)

# **Dr Philip Hadfield**

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### **Appendix: Professional Biography of the Author (January 2024)**

## Executive Summary

The Applicant in this matter is relying heavily on their background work for the Planning Application, however many of the safety and security proposals put forward, whilst necessary, are not sufficient to support the four Licensing Objectives. The requirement for further recommended safety and security measures to be developed beyond the Planning Application stage was raised in the Executive Summary of the Greater Manchester Police 'Crime Impact Statement'. This Hearing is the appropriate opportunity for the Applicant to provide that level of detail and reassurance to the LSC, the Responsible Authorities, and to the residents of Greater Manchester.

The Crime Assessment and GMP comments on it respond to Section 4 'Physical Security' of the 'Design Out Crime' document but they do not address Section 2.4 which lists potential 'Public Realm Risk Factors'. More detail in response to these risks and how they will be prevented and/or managed is essential given the Applicant's projection that 16-20,000 people (sometimes up to 23,500) will enter the public realm after dark within a 1-Hour timeslot. These crowds will enter an area and community which currently has little night-time activity (commercial or otherwise) and limited public transport connectivity beyond 23:30hrs.

Projected figures within the Operating Schedule and Event Management Plan (OS/EMP) make clear that car parking and public transport options on the Etihad Campus are insufficient for the numbers of persons projected to attend night-time events at the Co-op Arena. Even in circumstances where there is no clash with football fixtures at Etihad Stadium there will only be a maximum of 3,000 car park spaces available. It seems apparent that the Applicants expect large numbers of persons to use the walking routes into Manchester City Centre for their homewards journeys. The OS/EMP offers

a firm commitment to support expansion of the local Residents' Parking Permit scheme, but in relation to the managed departure of crowds, proposes only a list of measures that 'could' be deployed, with no concrete Dispersal Policy.

There are specific risks to the Licensing Objectives associated with the walking routes and especially so with regard to the Ashton Canal Towpath. At the termination of events, we will see crowds leaving all-at-once of a size that is equivalent to all of the licensed premises in a typical town centre closing at the same time (akin to the old '11pm rush'). This is exactly the type of challenge that the Licensing Act 2003 and its numerous provisions and voluminous official Home Office Guidance is designed to prevent, or at least ameliorate, through suites of targeted Conditions on Premises Licences. The OS/EMP proposes that a detailed 'Operations Manual' will be prepared *in response* to whatever Licensing Conditions are now set (p.5).

Perhaps the most surprising and frankly worrying proposal in the OS/EMP is made in respect of potential timeslot overlaps involving evening football matches at Etihad Stadium and evening events at the Co-op Live Arena. Here it is suggested that 'beverage promotions' be offered to the crowds leaving Co-op Live events at 23:00hrs to delay departures, whilst at the same time, encouraging patrons to take one of the walking routes into the City Centre. This proposal raises serious questions as to whether the Applicant fully understands or takes account of the potential negative externalities of their Licensable Activities with respect to their patrons' safety and the environmental impacts of their patrons' use of the 25-minute' walking routes and their eventual arrivals into Manchester City Centre. For example, crowds walking to the City Centre will pass through the largely residential area of New Islington, a location specifically identified as sensitive to noise nuisance in Manchester's Statement of Licensing Policy; with a 'Special Hours Policy' established in this regard.



It is unclear why the Applicant wishes to obtain 04:00 and 05:00hrs licensing provisions when, as the OS/EMP states, events are expected to terminate no later than 23:00hrs. The take-up of food offers after 23:00hrs is likely to be limited, so perhaps the primary motivation for keeping the venue open after events have concluded is to make further alcohol sales? If not this, then is it to have the 'flexibility' to offer events that go beyond 23:00hrs? In terms of the Licensing Objectives these are very important questions and I have not found the answer to them in any of the documentation I have had access to.

Metrolink Tram and Bus services are sparse after 23:30hrs and respectively conclude entirely at 1:30hrs and 2:49hrs at weekends (Metrolink concludes earlier during weekdays). The Night Bus service has a 1-Hour interval and the post-midnight Metrolink an interval of 24 minutes between services. These services therefore have capacity to accommodate only a small proportion of the projected audiences. This would be especially the case were Co-op Live events to conclude beyond the terminal hour of midnight, as set by Condition 14 of the Planning Decision.

It is important to note the licensing arrangements for the Etihad Stadium. The Stadium has a terminal hour of 23:00hrs for alcohol sales on its Premises Licence, with occasional extended hours in its Function Rooms up to 01:00hrs, if applied for on a case-by-case basis and accompanied by an Alcohol Management Plan, which is risk assessed by the Responsible Authorities.

In conclusion, the Applicants in their list of Proposed Conditions appear not to have taken sufficient account of the public realm impacts of their requested Licensable Activities. In particular, operational management planning appears insufficient to support the Licensing Objectives in the context of large late-night events in which a high proportion of attendees are

anticipated (and will be encouraged) to depart on foot into what is currently a peripheral and still, in parts, degraded inner-city location.

The Premises Licences of other large event spaces in Manchester are heavily Conditioned, despite benefiting from City Centre locations more favourable to the Licensing Objectives through faster crowd dispersals, and policing and emergency health response times.

## **Introduction**

### **1. The author**

- 1.1 I am currently Director of [www.philhadfield.co.uk](http://www.philhadfield.co.uk) a research and training consultancy working in the alcohol licensing and crime prevention field. I have previously held posts as a Senior Research Fellow at the University of Leeds, a Research Officer at the University of Durham and a Lecturer in Criminology at the University of York.
  
- 1.2 My consultancy and research interests focus upon crime prevention, policing and regulatory matters, with special reference to the Evening and Night-Time economy (ENTE). I have managed and worked on research projects on these topics since 1998 and have authored and co-authored a number of the leading books, reports and articles in this field, alongside contributing to the national and international 'conversation' on the ENTE at conferences and networking events. In recent years, I have focused, in particular, upon improving the methodology and conceptual bases for ENTE studies, ensuring they better match client requirements; providing evidence that supports complex problem solving and pragmatic decision-making. Further details of my professional activities and credentials may be found in Appendix 1 to this report.

1.3 In licensing consultancy matters, my approach is premised upon an independent assessment of operating standards, public policy and regulatory issues, which take the reduction of harm as their key goal.<sup>1</sup> This involves assessing each set of circumstances as they relate to the statutory Licensing Objectives and associated legislation, Home Office Guidance and best practice. I have particularly lengthy experience in matters of assessing licensed premises whose Premises Licences are under Review and in making assessments of cumulative impact, helping councils weigh the evidence that might underpin such area designations (or alternative interventions). I have worked in such capacities since first implementation of the Licensing Act in 2005 and previously under the Licensing Act 1964 regime, bringing broad insight into the recent development of licensing policy and practice, particularly as it relates to the gathering of empirical evidence.

## **2. Co-op Live Arena: case overview and research methods**

2.1 I have received instructions from Thomas and Thomas Partners LLP acting on behalf of ASM Global in respect of their Representation in response to the Co-op Live Premises Licence Application.

2.2 In December 2023, Thomas and Thomas provided me with various documents pertaining to the application. These comprised: the Application, the Premises' Plan, the 'OVG Manchester Operating

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<sup>1</sup> See Robson, G. and Marlatt, A. (2006) 'Harm Reduction and its Application to Alcohol Policy,' *International Journal of Drug Policy*, 17(4) Special Issue: 255-376.

Schedule and Event Management Plan' prepared by Laudation, a Crime Impact Statement prepared by David Maher for the Planning Application in 2020, email commentary on the Maher report by Sean Bastow of Greater Manchester Police dated April and July 2020, the Manchester City Council Planning Decision Notice and Planning Committee Report, the Manchester City Council Statement of Licensing Policy 2021-2026 and a repository of numerous other documents that were put before the Planning Authority.

2.3 I also consulted the Premises Licences and list of Conditions that apply to other large live event spaces in Manchester: the Etihad Stadium, the AO Arena, and at Depot Mayfield.

2.4 I was also provided with the letter of Representation from ASM Global. However, at the time of writing, I have not been made aware of any other Representations, for example from the Responsible Authorities, or from other Interested Parties.

2.5 These documents informed my understanding of the Applicant's proposed ambitions for the site and associated licensing requirements. Read in combination, these documents gave insight into both the specifics of the proposed Licensable Activities at the site and their 'fit' within the broader context of the application in Manchester and Co-op Live's proposed modes of operation.

2.6 Upon reading this documentation, I agreed to prepare this report setting out my professional assessment of how Co-op Live's proposals might influence promotion of the Licensing Objectives in Manchester. I draw upon over 20 years' experience of gathering and assessing research data to inform the drafting of Licensing Policies, and particularly Cumulative Impact Policies, in 'high impact' urban areas, including London Boroughs such as Westminster, Hackney, Camden and Southwark and other major Evening

and Night-Time Economies (ENTEs) in cities including Newcastle, Cardiff, Brighton, Liverpool and Leeds. These areas provide useful comparisons as they all have large vibrant ENTEs and operate long-standing Cumulative Impact policies in support of the statutory Licensing Objectives.

2.7 In preparing this report I made an unannounced day-time visit to the Co-op Live site on Thursday 28<sup>th</sup> December 2023. Neither the Applicant, ASM Global, nor staff at Thomas and Thomas, knew the dates and times I would visit, although it was requested that I visit ahead of this Hearing.

2.8 As a result of the above, I was able to see at first-hand the parking and transport arrangements at the site, the positioning of residential properties in the vicinity of the site and along pathways to the City Centre. This enabled me to understand the benefits and shortcomings of the current situation in comparison to what would be needed in licensing terms were the site to host regular large-scale late-night events. Given the importance of pedestrian dispersals I walked both from and to the City Centre using the signposted routes.

2.9 I arrived by train into Manchester Piccadilly and took the signposted 'walking route' via Pollard Street. At Holt Town, near to the Tram stop, the walking route splits left into the City Link route which runs alongside the Metrolink line to the north of the Etihad Campus (closest to Co-op Live) and right onto Ashton New Road which runs to the south of the Campus. I walked both routes in order to assess patrons' walking options.

2.9.1 I then returned using the waymarked Ashton Canal Towpath route signposted opposite Co-op Live on Joe Mercer Way, arriving back into the City Centre at Ducie Street, close to Piccadilly Station.

2.9.2 I found the 25-minutes estimate for walking these routes to be roughly accurate. Up until Holt Town, the walking routes run roughly parallel to the

Metrolink line passing through New Islington. At Holt Town the Ashton New Road route then veers east.

2.9.3 I wished to consider the location of any existing noise-sensitive uses, to understand how the flow of pedestrians and vehicles might impact upon the local environment at night, to observe the use of public transport and to explore potential impacts on the Licensing Objectives. Although this location has little licensing activity currently, outside of match days and events at the Etihad Stadium, it was important to understand the scene into which customers from Co-op Live would enter late at night.

### **3. The Co-op Live Arena Premises Licence Application**

3.1 Co-op Live is seeking authorisations for various Licensable Activities including the Supply of Alcohol, as described in the Application, to operate between 10:00 and 04:00 daily, Late-Night Refreshment from 23:00 to 04:30 daily and Standard Hours of Opening to the Public of 10:00 to 05:00 daily. In addition, the Applicant requests to operate to maximum finishing times (of 24-Hours) on 12 occasions per annum for Alcohol Sales and Regulated Entertainment (with Late-Night Refreshment extended to 05:00hrs).

3.2 The detailed management and processes of delivering these Licensable Activities in accordance with the Licensing Objectives is to be set out in a Venue Operations Manual which will be shared with the Responsible Authorities, but not with the general public. A draft of the Applicant's proposed measures for inclusion in the Operations Manual was put before the Planning Committee in the form of an 'Operating Schedule and Event Management Plan' (OM / EMP) prepared by Laudation. It is anticipated that the eventual contents of the Operations Manual will include the list of

enforceable Conditions on the Premises Licence that will pertain and which must apply before Co-op Live hosts its first event.

#### **4. Policy Context**

##### **The Manchester City Council Statement of Licensing Policy, 2021-2026**

4.2 The policy context for this application is the Manchester City Council 'Statement of Licensing Policy 2021-2026' ('The Licensing Policy'). The Statement of Policy document provides an outline of the expected approaches to the preparation and deliberation of licence applications within the city, alongside the national statutory guidance issued by the Home Office.

4.3 The ability to 'drill down' as closely as possible to the supply and consumption of alcohol and its likely impacts in defined locations is essential to the deliberations of licensing Hearings in the context of local policies and national Guidance. Empirically-informed evidence of likely localised impacts allows decision makers to make informed decisions with regards to the necessary suite of Conditions and the setting of Licensing Hours that will support the Licensing Objectives.

4.4 Clearly, closing hours of 04:00 or 05:00 require very different and much more stringent justifications and pre-planning than approaches to closing hours of Midnight. Longer trading hours are associated with higher levels of alcohol consumption imbibed in longer drinking 'sessions'. This can lead to higher levels of drunkenness and increased vulnerabilities to harm amongst patrons, especially when they enter the public realm and make their journeys home.

4.5 Manchester does not have a 'Late-Night Levy' scheme to provide extra private funding for policing and emergency health responses between the hours of midnight and 05:00, as some cities do. However, the rationale for such schemes, as envisaged by the evidence, experience and consultations offered to the Home Office is that alcohol-related harms increase after Midnight and to

an extent that the extra demands go beyond the capacity of the police and other emergency services to provide the level of resources and response times that are needed to protect night-time leisure visitors at the same time as offering the routine and acceptable levels of protection to local communities.

4.6 The nub of this matter therefore surrounds the question of whether Co-op Live's licensing proposals are sufficient, as they stand, to provide the very high levels of public protection and reassurance that are needed to trade to the hours and capacities they propose. The out-of-town location is a key factor here as the necessary levels of transport connectivity and policing and security measures that would be needed are currently absent. Furthermore, a very large venue is being inserted into residential communities that are otherwise generally quiet in the late-night period, potentially creating a very real impact upon the quality-of-life of thousands of residents.

4.7 The latter point is underlined in Manchester's Licensing Policy Statement which adopts a 'Special Hours Policy' for the areas of 'Ancoats and New Islington' (pages 35-6). This includes the residential area around the Ashton Canal Corridor through which all three walking routes connecting the Etihad Campus to Manchester City Centre pass.

4.8 The Licensing Policy notes the sensitive nature of this area with regard to Licensable Activities late at night, given the extent of new and existing housing:

*Para 5.41 "...controlling the lateness of the hours for licensed premises is regarded as particularly important, having regard to the predominantly residential character of the Ancoats and New Islington neighbourhoods.*

*5.42 With this in mind, the Council considers that a terminal hour of 11pm (midnight on Friday and Saturday) is appropriate in this area in order to prevent issues that can arise with the night-time economy during later hours, particularly, increases in noise from patrons coming and going to licensed*



*premises, antisocial behaviour, litter, and alcohol-related crime and disorder, which would undermine the promotion of the licensing objectives locally”.*

### **The Planning Decision and attached Conditions**

- 4.9 Similar concerns were raised and documented in the Planning process and fed into the setting of various Planning Conditions, notably the following:
- “13) The arena capacity hereby approved shall not be used by more than 23,500 spectators at any time and there shall be no more than 15 arena events per year which take place at the same time as events at the Etihad Stadium (of which no more than 5 would coincide with the evening peak).*

*Reason - For the avoidance of doubt and to ensure no unacceptable impacts with regards to noise and operational impacts on the residential amenity pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).*

*14) The arena shall be open for event and hospitality use in accordance with the days and hours as specified in the approved Operating Schedule and Event Management Plan v 1.3 prepared by Laudation stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020, which shall include normal operation for events and hospitality between the hours of 0900 and 0000 Monday to Sunday.*

*In the event that there is a requirement to operate the arena or hospitality facilities beyond these hours, the hours of operation shall be agreed in advance in writing with the City Council as Local Planning Authority. Extended hours for a full arena event will only be acceptable on a maximum of 25 occasions per annum.”*

4.10 From the above it is clear that the Planning Committee were of the opinion that events and other attractions going beyond midnight were not generally acceptable in these circumstances. Therefore, any Applications by Co-op Live to go beyond midnight on a limited number of occasions per annum would need to be individually risk-assessed. Furthermore, the potential for Co-op Live events to coincide with events at the Etihad Stadium was highlighted as especially challenging and strict limits imposed on how often this would be permitted.

## **5 The Planning Committee Report (a re-visit of its contents and its omissions in relation to Licensing concerns)**

5.1 The background to the Planning Decision is the Planning Committee Report. This document looks in detail at the location of the site, at existing land uses within the Etihad Campus, at neighbouring land uses and forms of transport connectivity. The broad picture is of an area to the east of Manchester City Centre that is undergoing continued regeneration through the construction and enhancement of sports facilities and light industrial developments. Leisure uses outside of sport have not yet been incorporated into this out-of-town 'offer', however Co-op Live appears to begin the process of broadening activities on the Campus in this direction.

5.2 Having reviewed the evidence on land uses and potential impacts, together with an analysis of public and business objections, neutral views and comments in support of the development, the Committee Recommended it was:

*'Minded to Approve subject to the signing of a Section 106 agreement with regards to the review and expansion of the existing Residents Parking Zone (RPZ), an operational event management strategy, walking route improvement works, local labour commitments and waste management arrangements' (p106).*

5.3 The Planning Committee report remains useful as it draws out important details of the Applicant's proposals for the site, its potential interactions with football matches and other events at the Etihad Stadium, together with a cross-section of views from local residents and businesses.

5.4 We learn that the Etihad Stadium has a capacity of 55,017 with planning permission to expand to 62,170. Whilst:

*'The proposed Arena is targeting around 120 events per annum which is roughly the same number of events as the existing (AO) Arena. The majority of events are anticipated to be run in the 16,000 to 20,000 capacity, with an average event size in excess of the circa 9,000 average achieved at the existing (AO) Arena thereby catering for typically larger events (p.50) ...*

*A typical arena event capacity would be between 16,000 and 20,000 (with maximum capacity of 23,500 on a limited number of occasions). This is significantly lower than a capacity event at the Etihad Stadium which currently has a capacity of 55,017 (rising to 62,170 with the expansion of the north stand). The arena would be operational all year round with approximately 120 events taking place with the potential to rise annually. Arena events would attract significantly lower crowds and movements than a football event at the stadium albeit on a more frequent basis.*

*There may be occasions where more than one event is held on a day, matinee and evening events (although these are expected to be lower capacity). In addition, there may be occasions where an arena event coincides with matches at the Etihad Campus. Where possible events would not be scheduled on the same day as stadium events in order to minimise impacts. In addition, should there be an event at both venues on the same day, it does not necessarily mean that arrivals or departures from the venues would be taking place concurrently. There are a range of potential event time*

*combinations for the Stadium and the Arena, the majority of which would result in little or no overlap between the arrival and departure of visitors to the two venues.*

*The worst-case scenario represents around 10-15 events per year occurring at the same time. A third of coincided events are expected to take place on a weekday evening and thereby coinciding with rush hour traffic'. (p.86)*

5.5 Some of the expected customer behaviours are outlined as follows:

*'The food and beverage offer at the site would also increase dwell time at the arena and manage crowd flows and staggering of arrival and departure times. Analysis predicts that on major event days, spectators are likely to start arriving 2-3 hours before the start of a concert in order to secure a position close to the stage. However, it is unlikely that all spectators would arrive early. For a 19:00 event, estimates predict that 30% of arrivals would arrive between 17:00 -18:00, 30% 18:00 -19:00 and 40% 19:00-20:00 with **assumed spectator departure times of 100% at 22:00 – 23:00 (my emphasis).***

*This reflects the fact that there would be people who would want to arrive early to stand near the front and that there would be people who arrive nearer the start time after eating and drinking in the city centre. A similar effect occurs on match days at the stadium.*

*There will also be spectators who have made an arena event part of a day trip or weekend away, so are likely to arrive early and experience the city centre.*

*All these behaviours are already evident on match days and with the benefits being seen on city centre hotels, bars and restaurants. This in turn impacts on the travel peaks to and from the campus' (p.88).*

5.6 Transport connectivity is mentioned, including the Metrolink tram stop for the Etihad Campus providing services on the Ashton-to-Eccles Line (Blue Line) every 12 minutes up to Midnight, and every 24 minutes up to 01:00 hrs on Fridays and Saturdays. Journey time is 7-minutes to Manchester Piccadilly, with stops at Holt Town and New Islington. Last services from Etihad Campus towards the City Centre on Fridays and Saturdays are at around 01:30; 00:30 Mondays-Thursdays and 21:30 Sundays<sup>2</sup>. This means that, in the absence of changes to the timetable, there would be a maximum of three tram services available at weekends to spectators exiting events after midnight and no services beyond 01:30 hrs.

5.6.1 There is also Ashburys Rail Station, Openshaw, M12 5BX on the Manchester-Glossop line, which is geographically the nearest Railway Station to Co-op Live, with a walking time of 29 minutes estimated by Google Maps. The Committee report notes that:

*'The proposals are also likely to increase usage of the nearby rail stations both as an interchange to tram services or to facilitate walking to the campus (for example from Ashburys Station). This increased footfall would have a positive impact on the stations through increase ticket sales allowing further investment in these stations where necessary and appropriate' (p.88).*

5.6.2 The report does not acknowledge that, during winter months in particular, this footfall between Co-op Live and Ashburys would involve pedestrian journeys after dark, alongside busy roads and passing numerous residential properties. Ashburys Station provides services to Manchester Piccadilly within 6 minutes, although services are infrequent at night, with the last train to Piccadilly (and therefore the City Centre) being at 00:03 hours.

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<sup>2</sup> <https://tfgm.com/public-transport/tram/tram-schedule#first-last-tram-times>

5.6.3 Surprisingly, the Committee Report makes minimal mention of Bus Services, however, Services 216, 230 and 231 run between The Etihad Stadium and Stand D in Piccadilly Gardens in Manchester City Centre. The 216 Manchester-to-Ashton service is one of Transport for Greater Manchester's Night Bus routes, providing one service per hour from 00:49hrs, up until 02:49hrs from the Etihad Ashton New Road stop. Normal services on the 216 from this stop are at 22:55hrs and 23:55hrs (and 00:19 Saturdays). The last service on the 230 from this stop is at 23:37hrs. The 231 is unlikely to be used by people attending night-time events as services run no later than 20:00 hrs (with slight variations).

5.6.3.1 Ashton New Road to the south of the Campus (where the bus stop is located) is not the most obvious point of access for persons leaving Co-op Live, as it involves a 5-minute' walk.



5.6.3.2 The Night Bus stop on Ashton New Road.

	1437 216♿	1448 231♿	1449 216♿	
3pm	1501 216♿	1503 230♿	1513 216♿	1518 231♿
	1536 216♿	1547 216♿	1548 231♿	1557 216♿
4pm	1603 230♿	1607 216♿	1617 216♿	1618 231♿
	1637 216♿	1645 216♿	1648 231♿	1653 216♿
5pm	1701 216♿	1706 230♿	1709 216♿	1717 216♿
	1732 230♿	1737 216♿	1746 216♿	1751 231♿
6pm	1805 216♿	1815 216♿	1818 231♿	1825 216♿
	1835 216♿	1846 216♿	1858 216♿	
7pm	1904 231♿	1912 216♿	1918 230♿	1926 216♿
8pm	2004 231♿	2011 216♿	2014 230♿	2026 216♿
9pm	2109 230♿	2111 216♿	2126 216♿	2141 216♿
10pm	2209 230♿	2211 216♿	2226 216♿	2256 216♿
11pm	2309 230♿	2356 216♿		
0am	0049 216 FS♿			
1am	0149 216 FS♿			
2am	0249 216 FS♿			

**Saturdays**

5.6.3.3 The above shows the Bus service schedule towards the City Centre from this stop Mondays-to-Fridays.



	1337 216♿	1348 231♿	1349 216♿		
2pm	1401 216♿	1403 230♿	1413 216♿	1418 231♿	1425 216♿
	1437 216♿	1448 231♿	1449 216♿		
3pm	1501 216♿	1503 230♿	1513 216♿	1518 231♿	1525 216♿
	1537 216♿	1548 231♿	1549 216♿		
4pm	1601 216♿	1603 230♿	1613 216♿	1618 231♿	1625 216♿
	1637 216♿	1648 231♿	1649 216♿		
5pm	1701 216♿	1703 230♿	1713 216♿	1718 231♿	1725 216♿
	1737 216♿	1748 231♿	1749 216♿		
6pm	1801 216♿	1811 216♿	1816 231♿	1821 216♿	1832 216♿
	1843 216♿	1845 231♿	1856 216♿		
7pm	1911 216♿	1917 230♿	1926 216♿	1941 216♿	1942 230♿
8pm	2009 230♿	2011 216♿	2026 216♿	2041 216♿	2056 216♿
9pm	2109 230♿	2111 216♿	2126 216♿	2156 216♿	
10pm	2209 230♿	2226 216♿	2256 216♿		
11pm	2309 230♿	2356 216♿			
0am	0019 216 Ss♿	0049 216 Ss♿			
1am	0149 216 Ss♿				
2am	0249 216 Ss♿				
<b>Sundays</b>					
5am	0556 216♿				

5.6.3.4 The Saturday service provides one additional late-night option for travel to the City Centre, leaving the stop at 00:19hrs.



5.6.3.5 Only Route 216 forms part of the Night Bus service.

5.7 With regards to people bringing their own cars and parking nearby the Committee reports set out that:

*'There would be no additional onsite parking and the development would result in the loss of a 500-space surface car park. Surface car parks are available to the north of the Etihad Campus which are utilised on match days but would also be available for use by the arena. 3,000 spaces would be available when only an arena event is taking place. This would reduce to 500*

*spaces when an arena event runs in parallel with an event at the Etihad Stadium. **The travel plan would, however, aim to reduce car journeys to the site (my emphasis)***

*These car parking spaces would only be available on a pre-booked basis and only shortly before an event to prioritise the football events. **At the point of sale, messaging would encourage spectators to use sustainable modes of travel' (my emphasis)** (p.86).*

As noted, the Committee recommended an expansion of the Residents' Parking Zone to protect residential amenity in the nearby communities and to discourage arrivals by car in the absence of a pre-booked parking space on-site.

5.7.1 The report mentions that, for pedestrians, the City Link, Ashton New Road and Ashton Canal towpath and cycle path connect the site to the City Centre and beyond in an easterly direction, with walk-times of approximately 25 minutes.



5.7.2 Access to the canal towpath from Joe Mercer Way directly opposite Co-op Live.



5.7.3 The Ashton Canal Towpath is the most prominent exit route from the Arena (but not the Stadium) if one has not arrived by car.



5.7.4 The above image shows the start of the Canal Towpath route towards the City Centre, looking back towards the Arena.

5.8 In terms of choosing a development site outside of the City Centre we are told that:

*“The Etihad Campus was also the most accessible location and is well connected to the city centre by non-car modes. Tram, bus, cycle and walking infrastructure all provide quick and direct links to the city centre and major rail hubs which provide links across the region and beyond. The accessibility of the site is demonstrated by the usage of these modes on match days. No other site within the list could rival this scale of connectivity or infrastructure” (p.48).*

The above comments cannot be said to be accurate with regards to the capacity and frequency of public transport services that connect the site to the City Centre and beyond after 23:00hrs.

5.9 The report makes repeated reference to a Travel Plan, “*to be secured as part of the conditions of the approval*” (p.40), however insufficient detail is provided for current concerns. Very little is said in relation to taxi pick-ups, ranking and queues. Clearly parking and road congestion were seen as sensitive issues in the Planning process:

*‘A comprehensive travel plan and extension to the RPZ would support non-car journeys to the site and fully exploit the significant level of infrastructure at the site which would **encourage walking (my emphasis)**, cycle, tram, rail and bus journeys to the arena (paragraphs 103, 105 and 111 of the NPPF). (p106).*

5.10 Here the concerns of Planning and the Licensing Objectives depart. Crowds being encouraged to leave the arena on foot and signposted towards overwhelmed public transport services. The walk to the City Centre takes 25-minutes. Once people reach the city centre they will be mostly returning to their homes on foot or via a small number of Night Bus services. Local, regional and national rail services accessible from Piccadilly and Victoria stations will be limited late at night so visitors from out-of-town are likely to be returning to their hotels.

5.11 The Etihad Campus has neighbouring residential communities in Miles Platting, Newton Heath and around Eastlands District Centre, together with others, such as New Islington, along the walking routes to and from the City Centre. We learn from the Report that these communities are impacted by activities at the Campus, especially on match days.

5.12 The local residents/public opinion objections mention that the Campus does not have sufficient car parking spaces to accommodate both the Stadium and the Arena audiences. The Arena is being built on one of the car parks. Residents call for the existing Residents' Permit-Only parking scheme coverage to be expanded.

5.13 A number of the objections quoted in the Report make reference to issues of direct relevant to the Licensing Objectives, for example:

*“There is noise, rowdiness, litter and people urinating on match days which is unacceptable. The arena would be more intensive and could be 3/4 of the week that residents are going to suffer”*

*“There would be noise on the surrounding streets at night as a result of this proposal”<sup>3</sup>*

*“This project will bring extra traffic and antisocial behaviour to an area that has more than its fair share already”*

*“The people of the area would get no respite from the activities at the campus”*

*“Users of the arena would be vulnerable and it would not be safe walking around the area late at night, particularly if there were issues getting public transport or a taxi”*

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<sup>3</sup> This has already been the experience elsewhere in Manchester's residential areas, for example in relation to late-night events at the Bowlers Exhibition Centre in Trafford Park:  
<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/its-literally-beyond-ridiculous-residents-17083768>



*“The proposed arena would make it difficult for those with disabilities to access due to its location and reliance on public transport or walking. This is not the same experience when using the Manchester Arena”*

*“Having an arena and stadium event on at the same time is not acceptable considering the pollution, noise and change in dynamics of the neighbourhood”*

*“If a scheduled event at the proposed arena clashes with a Manchester City home game there will be chaos, with huge numbers of people vying for space, and public transport systems being unable to cope. It must be recognised that the Premier League changes match dates after the fixture list has been published due to satellite TV companies wish to televise games. It is inevitable that at some point a game would coincide with an arena event causing huge congestion on the local area”;*

*“There is a risk of crime for spectators using the east Manchester arena.”*

The comments cited above can be found at pages 11-13 of the Planning Committee Report.

### **The Crime Impact Statement and Greater Manchester Police Response**

6.1 Page 101 of the Planning Committee report makes reference to a ‘Crime Impact Statement’ (CIS), prepared by David Maher of ‘Design for Security’ which is a Crime Prevention Through Environmental Design (CPTED) Consultancy authorised by Greater Manchester Police.

6.2 The Maher report makes a number of recommendations regarding 'Physical Security' at the site and these are highlighted in the Committee Report which explains that the Arena:

*"...would be covered by an extensive CCTV and lighting system for the building and external areas which would remain operational on non-event days.*

*The Etihad Campus also benefits from existing on-site security arrangements which the arena would benefit from including on-site security presence.*

*The public realm and the number of entrances and exits to the arena have been carefully designed in order to manage crowd flows and pedestrian movement together with mass entrance and exit to the building.*

*Search and screening would be in operation at the arena together with the use of walk-through metal detectors. The arena would operate a no-bag policy with the exception of a small bag which would be the subject of a search. Crowd management and safety would be a key part of any future event management at the site." (p.101).*

As the above assurances raised in Planning are of relevance to the Licensing Objectives it would seem appropriate to include them in the drafting of Conditions on the Premises Licence.

6.3 Although the above 'Physical Security' requirements are necessary in relation to the Licensing Objectives, I do not believe they are sufficient. Mr Maher made a number of further observations with regards to the anticipated 'crime impacts' of activities at the Arena under the heading 'Public Realm Risk Factors' at Paragraph 2.4, page 7 of his Crime Impact Statement. These are listed as follows:

*“The typical security / disorder risks for a development of this nature are:*

*Personal robbery*

*Theft of personal belongings*

*Criminal damage to property*

*Arson*

*Violence towards the public and staff at commercial/retail premises*

*Unauthorised access to buildings / private spaces*

*Rowdy and inconsiderate behaviour*

*Anti-social behaviour*

*Loitering groups*

*Alcohol and drug misuse*

*Alcohol-related disorder”*

6.4 Amongst the documentation that accompanied the Planning Application one finds e-mail correspondence from Sean Bastow of Greater Manchester Police dated 20 April 2020 in response to his reading of the Maher CIS Report and the other documentation. Mr Bastow writes: *“having looked at the documents submitted we would recommend that a condition to reflect the physical security specifications set out in the Crime Impact Statement should be added, if the application is approved”*. Mr Bastow sent a further email on 27 July 2020 stating that *“at this stage we would have no further comments to add”*.

6.5 This response from GMP perhaps explains why Mr Maher’s comments on ‘Physical Security’ recommendations for the Arena (Section 4 of the CIS) receive a positive response within the Planning Committee Report, whilst his list of ‘Public Realm Risk Factors’ (2.4) and his ‘Changes Needed and Recommendations’ list (at Section 3.3) are, by contrast, neither mentioned, nor addressed.

6.6 Section 3.3 includes recommendations concerning the safety of event attendees on the Canal Towpath, the risk of vulnerabilities concerning Violence Against Women and Girls (VAW), removal of graffiti, the maintenance of sightlines, removal of hiding places and other security measures on the walking routes and on the Metrolink line.

6.7 I find it surprising that the GMP CIS and responses make no reference to the availability of public transport in the night-time hours and the way that this makes the issues raised in Section 3.3 of the CIS significantly more acute. This is perhaps because Planning processes do not view applications through a Licensing 'lens'. The closest we get to acknowledgement of a 'bigger picture' is the comment from Mr Maher in his Executive Summary where he states that the issues he has raised in Section 3.3 need to be: *"addressed when developing detailed proposals for future development and these include: existing routes and connections, links to current development sites..."*

## **Operational Aspects**

### **The 'Operating Schedule and Event Management Plan' (Laudation)**

7.1 The 'Operating Schedule and Event Management Plan' Version 1.3 (OS/EMP) prepared by Laudation for the Planning application in March 2020 is not an 'Operations Manual' for the Arena, but provides an initial written indication of the Applicant's intended approaches to their operations at the Arena.

7.2 The OS/EMP notes that a forthcoming Operations Manual: *"will detail how the license (sic) conditions will be upheld, how they will integrate with the wider and developing campus operations and how the (sic) plan to communicate with all of the responsible authorities on a regular basis"* (p.5).

7.3 Highlighted on the first pages of the OS/EMP are certain commitments regarding the scheduling of events in relation to activities across the wider Campus: *“The overriding approach will be to not schedule an arena event at the same time as a match. However, if that can’t be avoided, it is only likely to occur a handful of times a year”* (p.6).

7.4 As the document sets out, a ‘worst case scenario’ would be an event held in the Etihad Stadium in the evening at the same time as an evening event in the Co-op Arena. In relation to such concurrent events we are told: *“it is likely that the arena will not schedule events, at least in the early years of operating, until a pattern is established, and live data can be analysed”* (p.8).

7.5 Second on the ‘worst case’ list is ‘Operating Mode F: Arena Evening Event + MCFC Evening Kick Off’. In this scenario, parking for Arena guests will be limited to 500 pre-booked spaces and *“Communication regarding other methods of transport and walking routes will be strongly advertised”* (p.7).

7.6 In Mode F: *“Where Stadium events have the potential to extend into Extra Time and or penalties, the arena will further delay the finish time to 23:00 in advance, to still provide a 20-minute buffer between both venues finishing...In this mode, the arena will promote post event entertainment and food and **beverage promotions to further delay some of the guest departures (my emphasis)**”* (p.8).

7.7 The Applicant’s suggestion of offering ‘beverage promotions’ to crowds leaving events in Mode F, whilst at the same time encouraging them to take walking routes into the City Centre is concerning. This proposal raises serious questions as to whether the Applicant fully understands or takes account of the potential negative externalities of their Licensable Activities in respect of the safety of their patrons and their patrons’ journeys along 25-minute walking routes and their eventual arrivals in the City Centre. Delayed

departures are unlikely to assist the Licensing Objectives when accompanied by post-23:00hrs drinks promotions!

7.8 Car Parking at the Arena is discussed on Page 25. Here we learn:

*“The two scenarios that result in the maximum and minimum allocation of parking spaces for the arena are:*

- *When an arena event is the only event taking place at the Etihad Campus, up to 3,000 parking spaces will be available to the proposed arena; and*
- *When an arena event runs in parallel with an event at the Etihad Stadium, up to 500 spaces are expected to be made available to the proposed arena.”*

These statements make clear that car travel options will be significantly restricted in the case of football matches in the Stadium running in parallel with events in the Arena.

7.9 Pages 27-33 discuss transport and travel arrangements for users of the Arena. The ‘Operational Transport Interventions’ and ‘Area Travel Plan’ sections list various approaches that ‘could’ be used on a case-by-case basis, but some appear tentative. The only “firm commitment” (on p.27) appears to be for the Arena to support an expansion of the local Resident’s Permit Zone scheme. For example:

*“The promotion of walking routes are a key strategy to ensure the reduction of parking at the arena. Walking routes will be improved as detailed below but staff will also be deployed along the way on certain events to help with safeguarding and provide customers with information as required. The need for and extent of stewarding and management along the route, will typically be evaluated on an event-by-event basis and will also be informed by experience obtained during an initial 3-month period, where stewarding will be in place for all events” (p.28).*

7.10 Section 7 at page 34 is headed 'Licensing Objectives'. This section comprises of two paragraphs only, one of which is a bald statement of the four Licensing Objectives. We are told "*there will be detailed and tested plans in place for each (Licensing Objective)*". Evidently the OS/EMP was not considered the relevant place to provide this detail.

## **The Etihad Stadium Premises Licence**

6.1 Annex 2 of the Etihad Stadium Premises Licence sets out a list of 'Conditions consistent with the Operating Schedule'. The first three Conditions are as follows:

1. *"The premises licence holder must comply with the Alcohol Management Plan submitted to and approved by the Licensing Authority for the sale of alcohol on match days. No changes may be made to the plan without the prior written consent of the Licensing Authority. The Alcohol Management Plan will be reviewed in accordance with any recommendations of the Football Safety Advisory Group.*
2. *The premises licence holder shall prepare for all stadium and public events with a capacity of above 4999, an individual Event Management Plan in conjunction with the appointed Safety Advisory Group, including Responsible Authorities, that includes (when it is sold) an Alcohol Management Plan and a Noise Management Plan (when regulated entertainment is provided). An Event Safety Advisory Group, or such other body, shall be established by the Premises Licence Holder to oversee the delivery of such events and establish the Event Management Plan. The Premises Licence Holder must comply with the Event*

*Management Plan, which shall be submitted to and approved by the Licensing Authority. No changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.*

3. *A schedule of all programmed public events (including any provisional bookings) regardless of size shall be submitted to the Licensing Authority annually and updated monthly. The schedule shall contain a brief description of the proposed activity including estimated attendances.”*

6.2 The Conditions listed above then guide the approach adopted by the Licensing Authority in respect of other aspects of what is permitted by the Premises Licence.

6.3 Etihad Stadium has a terminal hour of 23:00hrs for alcohol sales on its Premises Licence, with occasional extended hours in its Function Rooms up to 01:00hrs. These hours must be applied for on a case-by-case basis and accompanied by the Event Management Plan and Alcohol Management Plan which are first risk-assessed by the Responsible Authorities.

6.4 The ‘Hours Premises are Open to the Public’ are set at midnight. Again, some extension is permitted in the Function Rooms up until 01:30hrs, but only when “agreed” through the submission of an Event Plan and Alcohol Management Plan.

6.5 Other Licensable Activities at the Stadium, such as Late-Night Refreshment and Live Music follow a similar pattern. Standard timings



are no later than 23:00hrs, or midnight. In the case of pre-authorized events in the Function Rooms all activities must cease by 01:00-1:30hrs at the latest.

## **City Centre Event Spaces: location and licensing arrangements**

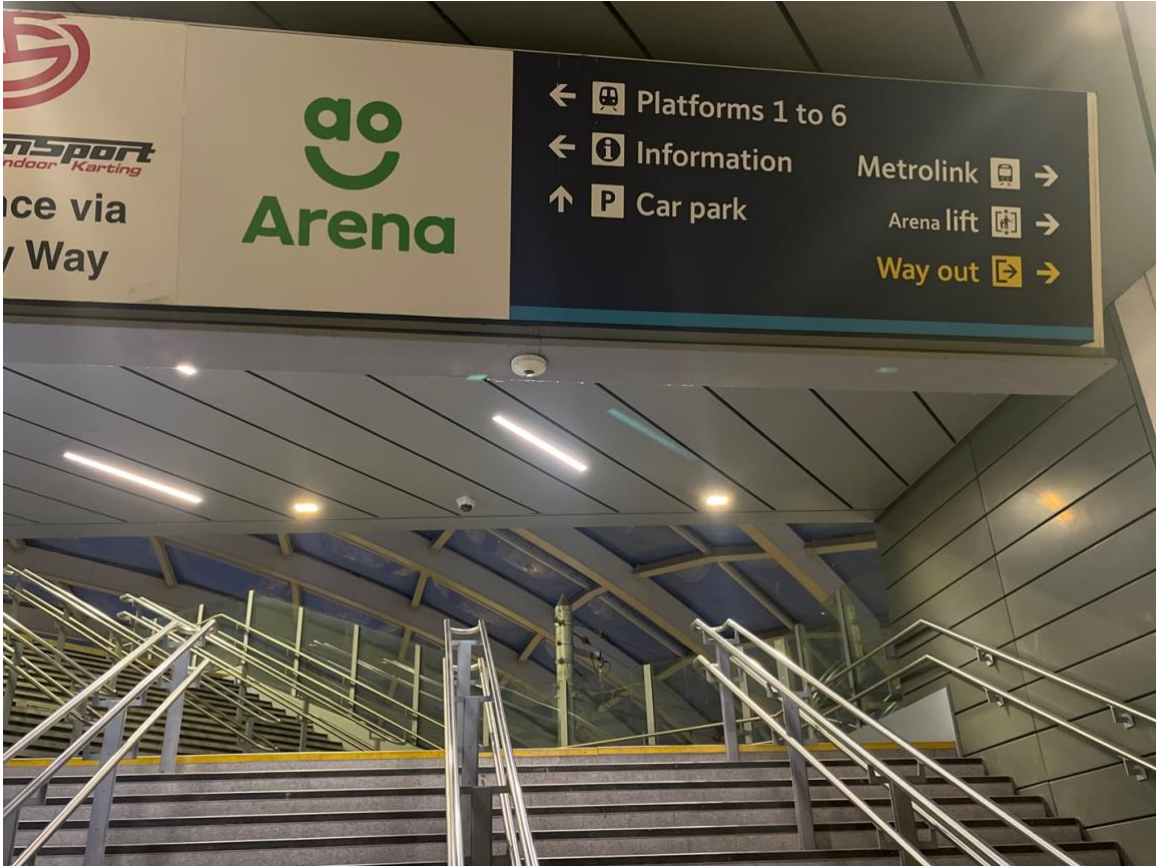
### **The AO Manchester Arena**

9.1 Annex 2 of the AO Arena Premises Licence contains a long list of specified Conditions. These Conditions are addressed to each of the four Licensing Objectives explicitly.

9.1.1 The Terminal Hours set for 'Sale of Alcohol' and 'Hours Premises are Open to the Public' are up to 04:00 and 05:00hrs respectively. These hours reflect the City Centre location of the venue, which is within 3-minutes' walk of the major hubs for Metrolink services for Greater Manchester at Victoria Rail Station and Shudehill Interchange and for later departures, 5-minutes' walk from the heart of Manchester's Night Bus services at Piccadilly Gardens.



9.1.2 The AO Arena is fully integrated with Manchester Victoria Rail Station, with one of the Arena's entrances accessible directly from the station concourse (shown here at top left).



9.1.2.1 Signposting for the Arena entrance within Manchester Victoria Station.



9.1.3 In this view one can see that the AO Arena sits almost on top of Manchester Victoria Station. The Arena benefits from the large capacity taxi rank which serves the station.



9.1.4 Manchester Victoria is the main rail station for the City Centre for destinations to the north and west, with direct links to Lancashire, Merseyside, West Yorkshire, North Yorkshire and the North East.

9.1.5 AO Arena is within 3-10 minutes' walk of 100s of hotel rooms, all of the City Centre taxi ranks, and two Mainline Railway Stations. Policing and Emergency Health resources are already allocated to the area with its long history of attracting large numbers of night-time visitors. Persons leaving events at AO Arena enter an environment that is brightly-lit and heavily populated, with high levels of formal and natural surveillance.

## Depot Mayfield

9.2 Depot Mayfield, located close to Manchester Piccadilly Rail Station, opened in 2019. It is a large venue containing a 10,000-capacity events space. Now home to the 'Warehouse Project' which hosts regular large dance music events open until 03:00 and 04:00 hrs: <https://www.thewarehouseproject.com/>

9.2.1 Depot Mayfield, like AO Arena, is much better connected to public transport and other supportive facilities than the Co-op Live Arena which is in Manchester's outer central suburbs: <https://depotmayfield.com>

9.2.3 Before Depot Mayfield opened there was considerable debate as to its likely impacts and the Premises Licence, when awarded, was heavily Conditioned. There are 67 Conditions attached to the Premises Licence in Annex 2, these are in addition to the nine Mandatory Conditions set out in Annex 1. Considerable thought has obviously been applied to setting the Conditions for Depot Mayfield such that they support the Licensing Objectives across a range of possible event scenarios and audiences.

9.2.4 All events with a capacity of 3000 persons or more require the operators to convene a Safety Advisory Group meeting with the Responsible Authorities under the Licensing Act 2003, in order to establish the Event Management Plans (Conditions 5-13). These requirements apply to every event of 3000 persons or more and are supplemental to Depot Mayfield's Venue Operating Plan which sets out its general approach to crowd management and security provision in and around the vicinity of the premises.

9.2.5 Depot Mayfield is within 3-minutes walking distance of Manchester Piccadilly Rail Station which serves destinations to the south, the east and to Merseyside and North Wales. At Piccadilly there is also a Metrolink Stop. The large taxi rank for Piccadilly Station is located almost directly opposite Depot

Mayfield in a similar scenario to that found at AO Arena. The Night Bus hub at Piccadilly Gardens is within 5-minutes' walking distance.

## **Co-op Live: what is needed to support the four Licensing Objectives?**

### **Crime and Disorder**

10.1 Large crowds at football stadiums in the day-time offer challenges that are well-established, with peak dispersals managed according to strict protocols agreed between the stadiums and the Responsible Authorities. However, the Licensing Hours requested in this Application bring with them attendant risks that are quite distinct, and in some ways more acute, because they involve the night-time. At night-time events there is less opportunity to control the use of alcohol and drugs, the cloak of darkness can mean fewer inhibitions, less opportunity for natural surveillance and capable guardianship by bystanders, the targeting of participants and their night-specific vulnerabilities by criminals, sexual predators<sup>4</sup>, or even terrorists. A number of these risks were highlighted in the Applicant's own Crime Impact Assessment.

10.2 Although, apart from the Etihad Stadium, there are few other alcohol retail outlets in the vicinity of Co-op Live, there are two off-licensed shops directly adjacent to the walking routes. Although not open late at night, these shops are likely to be used by some event attendees to purchase cheaper 'pre-loaded' alcohol which they then consume on their way to the Arena:

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<sup>4</sup> This aspect is reviewed in Quigg Z, Bates R, Butler N, Smith C, Wilson C, Atkinson A, Bellis MA. 'Sexual violence in nightlife and positive bystander intervention in an English city' *BMC Public Health*. 2024 Jan 11;24(1):157.



At Pollard Street, the Londis off licence is open to 22:15 hrs, seven days a week.





C and D Mini Market at 1 Purslow Close, here viewed from Ashton New Road, is open until 20:30 daily.



10.3 The potential for glassware to pose risks to public safety and also to potentially be used as a weapon is illustrated above. Here alcoholic drinks waste appears to have been in-situ for some time at this point on the walking route, just south of the Holt Town Metrolink Stop.

10.4 Events of this scale impose a dispersal-management challenge akin to all the pubs and bars in a town centre closing at once. The Licensing Act 2003 was introduced to avoid just such a scenario, as under the previous Licensing Act, it had created a history of problems. Detailed suites of Conditions, Cumulative Impact Areas, Late-Night Levies and the ability to set 'flexible' staggered hours appropriate to specific locations were brought in to make the particular problems associated with mass dispersals a thing of the past. Crowd management at individual large events perhaps requires a different 'terminology' in comparison to the cumulative impacts from numerous licensed premises; however, the impacts 'on-the-ground' are very similar, especially when the events take place at regular

intervals and when the City Centre is itself the destination of travel for many of those leaving the events.

### **Public Safety**

10.5 Here large crowds will be leaving late at night, traffic congestion on surrounding roads and in car parks will be extensive, there will be large queues for buses, trams, taxis. Metrolink Tram and Bus services are sparse after 23:30hrs (see Paras 5.6 and 5.6.4 above) and respectively conclude entirely at 1:30hrs and 2:49hrs at weekends (Metrolink finishes earlier during weekdays). The Night Bus service has a 1-Hour interval and the post-midnight Metrolink an interval of 24 minutes between services. These services therefore have capacity to accommodate only a small proportion of the projected audiences were Co-op Live events to conclude beyond the time of midnight, as set by Planning Condition 14.

10.6 The events will draw audiences not only locally, but also regionally, nationally and internationally. Patrons therefore need access to the national rail network, links to the airport and the most obvious supply of hotels, all of which means a convergence on Manchester City Centre.

10.7 Because of the strong cultural associations between alcohol consumption and night-time leisure persons attending night-time events are less likely to drive themselves to venues than when attending events in the day. There is more reliance on public transport and taxis which require waiting in queues and some degree of crowding. The sudden spike in demand on transport services and infrastructure significantly slows down the speed at which dispersals on available transport can occur. As a result, many more participants will choose to make the 25-minute walk along the pathways into the City Centre in order to return to their overnight accommodation, or onward transport options.

10.8 The crowding and the darkness produce extra vulnerabilities to accidents and crime victimisation as noted above. The choices are that of walking alongside busy

roads, or along a narrow canal towpath. Waterside routes may be especially hazardous for people who have consumed alcohol. Experiences in cities such as York, Newcastle and Norwich have involved tragic histories of drowning fatalities, with young ENTE patrons using narrow waterside pathways ending up in the water.

10.9 The Ashton Canal Towpath has a number of features which are potentially hazardous to people who have been drinking, especially when walking in crowds and in low-light conditions. The following images from my visit illustrate this:



10.10 Here the path goes through the dark underpass of a road and rail bridge at New Viaduct Street. Within the underpass there is a recessed void space which could be used as a hiding place.



10.11 Moving further towards the City Centre there are a number of other bridges which take pedestrians close to the water.



10.12 The pathways are on occasions partly flooded.



10.13 The GMP Crime Impact Assessment noted the need to maintain sightlines and remove shrubbery which could be used as hiding places. Here the canal edge has a barrier, however pedestrians run the risk of head injuries. Most adults would need to stoop to follow the path under this bridge.



10.14 In some places, uneven surfaces from partial repairs create trip hazards next to the water.





10.15 Closer to the city centre the path passes through the major residential developments at New Islington. Here the route has been widened and improved, although the pathway narrows again on entering the City Centre around the Ducie Basin. Unlike on the earlier sections, there is very substantial natural surveillance of the route from here onwards, with a large residential presence on both sides.



10.16 The pathway becomes narrow once more in its final stretch, here shown passing residencies in Piccadilly Village.

10.17 The Home Office introduced the Late-Night Levy Scheme as a formal acknowledgment of what the Responsible Authorities and communities around the country were telling them: that the post-midnight trading period for the ENTE was presenting quite different challenges to the day-time, or even the evening. Late-Night Levies now pay for rapid on-street emergency medical services, street and taxi wardens, additional Police officers at key locations, all funded by the licensed premises that trade between midnight and 06:00 hrs. At the same time, even relatively small pubs and bars in city centres have a long list of Conditions, Dispersal and Management Plans focussed on the night attached to their Premises Licences.

10.18 In this context, I believe that Co-op Live will need to make substantial investments and management interventions to protect its customers when they enter the public realm. This is likely to include measures such as the marshalling of taxi ranks, bus stops and the Metrolink Stop, investment in the canal towpath to include physical barriers, improved lighting, widening where possible and an upgrade in its physical appearance. Private security patrols along the towpath and other waymarked walking routes at the key times of night.

### **Public Nuisance**

10.19 Dispersals from Co-op Live are likely to take extended periods of time for the reasons noted above. They will involve large crowds leaving on foot in all directions, but mostly towards the City Centre and past numerous homes. As well as noise, impacts on the local environment are likely to include littering and fouling of public and private spaces, roads and pavements, illegal parking and occasionally criminal damage; all of which are typical of the pathways and 'desire routes' associated with City Centre ENTEs. Clearly therefore, there are potential quality-of-life impacts on the lives of large numbers of Manchester residents.



10.20 The image above shows how the canal towpath moves through large residential buildings at New Islington. There is the potential here for a ‘canyoning’ effect with the high-sided buildings amplifying noise incidents.

10.21 Noise potentially negatively affecting residents is not restricted to the canal towpath route. The following images show how close the City Link / Ashton New Road path passes residents’ homes:



10.22 Large residential building on Pollard Street.



10.23 Flats on Merrill Street.



10.24 Some flats on Merrill Street are very close to the pathway.



10.25 Low-rise housing is also on the route.

10.26 In my opinion the most obvious and effective way to ameliorate these impacts and those affecting the other Licensing Objectives would be set the hours for Licensable Activities at Co-op Live to an earlier time, thus reducing the spread of impacts into the early-hours of the morning. It is unclear why the Applicants need terminal hours of 04:00 and 05:00 when they note that most of the events they will host are likely to conclude no later than 23:00. Perhaps there is an ambition to host late-night dance music events of the type found at Depot Mayfield, but these types of 'high impact' events require very strong policing and security measures because of the association with illegal drug markets making them particularly ill-suited to an out-of-town location where some attendees may be tempted to drive.



10.27 It is important to note that the Planning Committee, having reviewed the evidence before them, were of the opinion that midnight was the appropriate time for activities at Co-op Live to cease. Similarly, the Etihad Stadium has a terminal hour of midnight set on its Premises Licence. Both permissions allow for a limited number of occasions per annum when the operators would be able to apply for later hours for specified events which could then be risked-assessed on an individual basis by the Responsible Authorities.

### **Children and Harm**

10.28 A proportion of events at Co-op Live are likely to be popular with 'family audiences' and with teenagers under the age of 18. It may be that these events terminate at an earlier hour than the more adult-oriented fixtures. Nonetheless, there are still circumstances where children will be sharing spaces with adults who have been consuming alcohol. Condition 13 on the Planning Consent is alive to the risks of especially high attendances on the Etihad Campus when events at Co-op Live coincide with events at the Etihad Stadium. Again, limits are set as to the number of times per annum this might occur, in "*which no more than 5 would coincide with the evening peak*".



10.29 Children within the local community may also be impacted by crowds passing their homes and play-spaces. In the image above we see the canal towpath passing low-rise housing with a young children's playground.

10.30 In order to support the Licensing Objective of the 'Protection of Children from Harm' I think it is important to provide safeguards for the youngest audiences that might attend Co-op Live. In particular, licensing measures may be used to minimise the risks of children encountering the misuse of alcohol by adults and/or becoming disoriented, anxious, lost, or preyed upon in situations of very heavy crowding.

## Conclusions

11.1 This report finds that in relation to the licensing of Co-op Live at Etihad Campus there are important issues to consider that cut across all four of the Licensing Objectives. These issues are not sufficiently addressed in the Applicant's proposals for licensing and operational management as put forward for consideration in this Hearing and before the Planning Committee. In particular, the request for Licensable Activities to be permitted through until 04:00 and 05:00hrs present some significant risks to the Licensing Objectives. These risks could be largely mitigated were the premises to close at the earlier time of midnight, with a limited number of notified exceptions, as considered appropriate by the Planning Authority, and in the case of the neighbouring Etihad Stadium, by the Licensing Authority.

11.2 It is important to note the widely accepted view that post-midnight trading is associated with the potential for increased and wider-ranging negative environmental impacts and alcohol-related harms. Such trading is normally restricted to City Centre locations where optimal transport provision, policing and emergency health support is at hand. The Premises Licences currently pertaining to large event spaces in Manchester City Centre are heavily Conditioned in response to known and predicted risks, even though these venues have much better access to public transport and taxi services, much closer proximity to hotels, and to policing and other emergency services support.

11.3 In evidence put before the Planning Committee, the Applicants indicated that they expect "100%" of the "16,000 to 20,000" (sometimes up to 23,500) event attendees to depart within a 1-Hour time slot at the end of performances. Furthermore, their Operating Schedule and Event Management Plan effectively acknowledges the insufficiency of available transport options on-site to deal with such numbers, highlighting the approach of "encouraging" audiences to walk into the City Centre.

11.4 In my professional opinion, the four Licensing Objectives could only be supported in the case of regular large scale post-midnight events at Co-op Live were there to be a very significant expansion of Metrolink and Night Bus services operating late at night. Additional capacity would need to be guaranteed during the predicted 1-Hour 'spike' in demand after performances end and services and their access points marshalled during peak times. The Ashton Canal Towpath requires upgrading following the CPTED (Crime Prevention Through Environmental Design) principles and recommendations raised in GMP's Crime Impact Statement, these include safety barriers at the water side, enhanced lighting, graffiti removal and the maintenance of landscaping sight lines.

### **Declaration**

I understand that my duty as an expert witness is to the Hearing and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe that the facts I have stated in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional upon the outcome of the case in any way whatsoever.



P.M. Hadfield, 18 January 2024

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**Appendix: Professional biography of the author (January 2024)**

Dr. Phil Hadfield is a Social Scientist and Director of [www.philhadfield.co.uk](http://www.philhadfield.co.uk) an Independent Research Consultancy based in Leeds. Phil's work addresses research / data needs, problem-solving and cost v benefit analysis for clients in urban cultural planning, place management, community safety, public health and regulatory matters, with special reference to Evening and Night-time Economies (ENTEs).

Phil has a background in academia (Criminology) and Research Council / NGO-funded projects. He holds (or has held) Advisory Board / Steering Group roles at the University of Leeds, London School of Hygiene & Tropical Medicine, the Institute of Alcohol Studies and the City of Bordeaux. He is on the International Editorial Board of the journal Contemporary Drug Problems.

Phil has advised many Licensing Authorities, notably the City of Westminster, Camden, Hackney, Liverpool, and the City of London on their licensing policies, together with contributions to the City of Sydney, 'Open Sydney' research Programme and three EC-funded Pan-European Research Programmes.

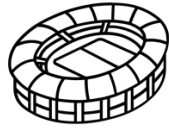
He is the author or co-author of some of the leading (highest citation) books and research articles on the ENTE. Through his work as an Expert Witness, Phil has considerable practical experience of evidence-gathering and decision-making processes within a UK licensing framework.

**Key recent projects:**

*The London Night-Time Data Observatory*

In 2021, Phil worked in collaboration with Arcola Research LLP and the Greater London Authority (GLA) to develop a data-monitoring tool, producing outputs that can inform the future of nightlife policy across the Capital. 'Safety' is one of four 'Dashboard Indicators' of the Observatory now used to monitor the 'health' of London's ENTE.

The first iteration of the London Night-Time Observatory has been launched here: <https://data.london.gov.uk/night-time-observatory/>



# LAUDATION

VENUE MANAGEMENT - ARENA DESIGN - COMPLIANCE

## **OVG Manchester Operating Schedule and Event Management Plan**



## Document Control

Version	Date	Author	Signed
1.0	04.11.2019	S Gotkine	<i>S Gotkine</i>
1.1	12.12.2019	S Gotkine	<i>S Gotkine</i>
1.2	17.02.2020	S Gotkine	<i>S Gotkine</i>
1.3	03.03.2020	S Gotkine	<i>S Gotkine</i>



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## 1.0 Introduction

This Operating Schedule and EMP demonstrates Oak View Group's (OVG) commitment, as owners and operators of OVG Manchester, to design and operate this arena in accordance with the appropriate legislation and using industry best practise and guidance to ensure the arena provides a safe, secure and enjoyable environment for all visitors, clients and performers.

Although there is no specific guidance for arena's, OVG will adopt the following documents as a benchmark, where appropriate, as well as using their knowledge from decades of experience in operating similar venues and from their international venue portfolio:

- SGSA Safety at Sports Grounds; 6<sup>th</sup> Edition
- The Purple Guide to Health, Safety and Welfare at Music and Other Events
- The Event Safety Guide: A Guide to Health, Safety & Welfare at Music & Similar Events (HSE – 1999)
- Technical Standards for Place of Entertainment (The Institute of Licensing, The District Surveyors Association and The Association of British Theatre Technicians) Yellow Book
- The A Guide (published by the National Arena's Association)
- BS 8300:2018 Design of an accessible and inclusive built environment - Code of practice

As well as industry guidance, OVG will ensure that the following legislation is adhered to, recognising that there will be other regulations followed on a department by department basis:

- Health and Safety at Work etc. Act 1974
- Occupiers Liability Act 1957 and 1984
- The Regulatory Reform (Fire Safety) Order 2005
- The Management of Health and Safety at Work Regulations 1999
- Civil Contingencies Act 2004
- Construction (Design and Management) Regulations 2015
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- The Equality Act 2010
- The Food Safety Act 1990

This Operating Schedule and EMP establishes the methodology of operation and integration with the wider Etihad Campus that will develop over time in the lead up to the go live date.

The primary objective of OVG will be to uphold the key licensing objectives. Those being;

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance and;
- the protection of children from harm

These have been a key focus within the planning and design of the arena and that will continue to be the case throughout the operational life of the venue.

OVG will set out its strategy for this within an Operations Manual. This manual will form the basis for the operation of the arena and will have buy in from all levels of the business. It will detail how the license conditions will be upheld, how they will integrate with the wider and developing campus operations and how the plan to communicate with all of the responsible authorities on a regular basis.

## 2.0 Integration with Etihad Campus

Integration with the wider Etihad Campus, especially the Stadium, is key to the successful operation of the arena. From the start of the design process, OVG have accepted that the arena will be part of a wider community of venues and events, and not in a green field site on its own. Therefore, the approach from the outset has been that of integration and collaboration.

OVG regularly work with the Operations, Safety and Infrastructure departments at the football club, have observed a number of matches and attend regular meetings and workshops where all external elements of the arena operation, and its interoperability with the stadium and wider campus are discussed. This will continue throughout the rest of the design and construction periods and in the lead up to the operational phase. OVG will also devise a series of desktop and live sessions to test and refine procedures and build good working relationships between all stakeholders. The key elements of joint planning will centre around arrival, queue management, circulation, transport, departure and incident planning.

Campus wide coordination meetings are already in place, which the arena operations team will join as they ramp up for the opening of the venue. OVG will also feed into the campus wide diary to ensure that a holistic picture can be maintained within the independent venues. The arena will issue an Event Management Plan to all stakeholders in advance of each event which can be discussed at the regular operations and coordination meetings.

It is likely that a series of Operating Modes will be agreed in advance to establish the parameters of operations dependant on the activities within the wider campus. The overriding approach will be to not schedule an arena event at the same time as a match. However, if that can't be avoided, it is only likely to occur a handful of times a year.

As an example, the Operating Modes are likely to be set out as follows:

- **Operating Mode A: Arena event only, no stadium bowl event;**
  - The Arena will have use of the common areas within the campus and surrounding car parks. There may be other events on the campus, but these should be of limited impact to the arena event taking place
- **Operating Mode B: Arena Bar/Concourse open on MCFC Matchday;**
  - The majority of arena attendees will be those already attending the event in the stadium and therefore it is assumed that there is no, or only limited, uplift in the total footfall on the campus. The arena will be responsible for the operation of the concessions as well as the access, egress and security management within the arena demise. Liaison with the Stadium safety management will be in place.
- **Operating Mode C: Arena Evening Event + MCFC Lunchtime kick off;**
  - This mode will be used for stadium kick offs ranging from 12:00 to 14:00. Therefore, the latest peak egress time is 16:15. For this operating mode, there is little impact on the stadium but coordination is key to ensure

transport management and cleaning and waste removal is in place to present the campus to the arena that evening.

- Operating Mode D: Arena Evening Event + MCFC 15:00 kick off;
  - The likely egress commencement time in this mode is 16:45 with peak egress ceasing around 17:15. The arena premium doors are likely to open at 17:30. There will be limited impact to the stadium operation, but queue zones will be agreed and likely set up prior to the stadium egress. Car Parks should be unaffected. Cleaning and Waste Management will need coordination.
  
- Operating Mode E: Arena Evening Event + MCFC 16:00 kick off;
  - Arena parking limited to a maximum of 500 spaces and will be pre-booked to control. Communication regarding other methods of transport and walking routes will be strongly advertised. A small queuing area is likely to be in place on Joe Mercer Way but nothing significant. All other queues zones are away from the stadium circulation routes.
  - Ingress is likely to be unaffected with the arena ticket holders not expected to arrive until around 17:00, apart from some early arrivals for the standing floor, if applicable.
  - Stadium egress is likely to commence around 17:45 with peak egress ceasing around 18:15. At this time the Arena VIP Entrance will have opened and the main doors will be due to open at 18:30. The 500 spaces in the car park, reserved for arena customers, mainly VIPs, are likely to be taken before 18:00. Queues are likely outside of the majority of arena entrances at this time, however, apart from the queue zone on Joe Mercer Way, little impact to the stadium egress is expected.
  - For the arena egress, there is no stadium crowd on the campus.
  
- Operating Mode F: Arena Evening Event + MCFC Evening kick off;
  - This mode will be used for evening kick offs from 19:30. Therefore, the likely stadium finish time is 21:30 - 21:50 will peak egress reducing down at 22:00 - 22:20.
  - Arena parking will be limited to a maximum of 500 spaces and will be pre-booked to control cars arriving on site. Communication regarding other methods of transport and walking routes will be strongly advertised. A small queuing area is likely to be in place on Joe Mercer Way but nothing significant. All other queues zones are away from the stadium circulation routes.
  - Ingress is likely to be unaffected in general although the local routes and transport hubs are likely to be busier than normal. It is likely that the arrival profile will be similar, with the arena guests starting to arrive earlier than the stadium spectators, but peak arrivals for both will likely occur simultaneously. Even with that occurrence, the arena will have limited parking spaces all of which will be allocated in advance. It is therefore assumed that the impact on the campus is likely to be manageable during this phase of activity. It has been witnessed that there is plenty of circulation space for simultaneous arrival to both the arena and stadium within the current external spaces.
  - For egress, the arena will manage the show finish time to ensure that it doesn't finish earlier than 22:30 to ensure that the hard egress from the

stadium has finished prior to the hard egress from the arena. Where Stadium events have the potential to extend into Extra Time and or penalties, the arena will further delay the finish time to 23:00 in advance, to still provide a 20 minute buffer between both venues finishing.

- In this mode, the arena will promote post event entertainment and food and beverage promotions to further delay some of the guest departures.
- Operating Mode G: Arena Evening Event + Athletics Stadium, Velodrome, Squash & CFA Stadium in use;
  - There is unlikely to be a stadium event occurring at the same time. Stadium car parks will be available to use. Limited impact on the arena expected, however, coordination to take place with other venues on the campus to agree operating schedule and parameters.

NB: For Arena Matinee events, it is likely that Operating Mode F will be used. This will be worked through with relevant stakeholders during the operational planning phase.

On days where a concert is scheduled in the stadium, it is likely that the arena will not schedule events, at least in the early years of operating, until a pattern is established, and live data can be analysed. Should this occur in the future, detailed planning sessions with the football club, local authority, police and other stakeholders will take place to ensure suitable plans are in place and all parties are comfortable that the event can take place safely.

The arena will follow the Command and Control system as recommended within the Green Guide and as currently used by the Etihad Stadium and by the Emergency Services. Whilst it is likely that a Silver Commander will be in place independently for both the arena and the stadium, coordination of both venues as well as the Common Domain Area is critical and this will be discussed, tested and agreed with the relevant stakeholders in advance of the venue opening. The control rooms in both the stadium and area will have direct contact as well as shared CCTV capability for ease of communication and coordination. The operating plans will need to be created, tested and approved to find the most resilient approach in managing the campus with the arena, stadium and estate management feeding into the process and then presenting to the Stadium SAG group for approval.

## 3.0 Event Activities

### 3.1. Schedule and Operating Hours

It is anticipated that OVG Manchester will host in the region of 120 events a year with the majority taking place in the evening, although some matinee performance are also likely.

Matinee shows are likely to begin at 15:00 and end by 17:00. Evening shows are likely to begin at 19:30 and end between 22:00 and 23:00. The exact event timings may vary on a show by show basis. It is likely that the attendance for a matinee show will be reduced to 50% due to the configuration of the arena.

A typical event hire agreement gives the event owner, normally the promoter, access into the venue from 06:00 on the event day until 03:00 the day afterwards. The 'live' period within that window is normally from 17:30 until 23:00, although that could change for some events with matinee performances built into the agreement in advance.

The below schedule outlines the key timings on a typical event day.

- |  |        |
|--|--------|
| • Production Vehicles Arrive on site:      | 04:00* |
| • Event Load In Commences:                 | 06:00  |
| • Sound checks Commence:                   | 15:00  |
| • Premium Entrances Open:                  | 17:30  |
| • Main Doors Open:                         | 18:30  |
| • Support Act Commences:                   | 19:30  |
| • Main Act Commences:                      | 20:45  |
| • Event Finishes:                          | 22:30  |
| • Egress Complete:                         | 23:15  |
| • Load Out Complete / Last Truck off site: | 03:00  |

\* Where possible, trucks will be directed into the covered service yard at this time

### 3.2. Event Configurations

OVG Manchester has been designed to deliver a number of different configurations from Concert to Sport and Family Entertainment to Award Shows. The maximum capacity for events will be up to 23,500, however, this is only likely to occur a small number of times per year, with the standard event attendance likely to be between 14,000 – 18,000 persons.

The table below shows the anticipated number of events per capacity range, to be held annually:

Capacity Range	Anticipated Events per year	Potential Growth Scenario
16,726 – 18,263	48	72
13,844 – 20,455	36	54
16,266 – 17,833	22	32
10,943 – 20,457	12	18
15,809 – 23,500	2	4
	<b>120</b>	<b>180</b>

### 3.3. Operations Manual

The method of how the arena will be operated, will be detailed within an Operations Manual that will be written and published by OVG in advance of the arena opening. This manual is likely to form the basis of the Premises License and will explain how the arena will operate both on event and non event days. The manual will be a comprehensive, live document that will include details on all elements of the arena's operation. Likely subjects that will be included are, but not limited to, the following;

- An overview of the arena including capacities and provisions within each of the different spaces;
- Method of Integration with the wider Etihad Campus
- Schedule and Conditions of the Premises License
- Arena Management Policies and Terms and Conditions of Entry
- Noise Management Policy
- Details around the day to day Management Structure as well as the Command and Control Structure of arena events
- Health and Safety Management including Fire Safety
- Incident Management and Contingency Planning
- Event Planning Process
- Medical Management Plan
- Event Configurations and Capacities
- Access, Egress and Circulation Planning
- Management of the Standing Floor
- Production Facilities including Rules and Regulations (including Electrical Safety and Rigging)
- Security and Counter Terror Plan and Procedures
- Facility Management including Planned Preventative Maintenance Regime
- IT and Broadcast Provision



- Cleaning, Waste Management and Environmental Plan
- Accessible Provision
- Transport Management Plan
- Food & Beverage Operation including Premium areas
- Ticketing Management Plan.

## 4.0 General Operations

### 4.1. Cleaning and Waste Management

The venue, either by directly employing staff or by contracting an experienced Service Partner, will be responsible for all cleaning and waste management within their red line boundary. There will be a regime in place for cleaning to take place prior to, during and after an event as well as planned deep cleaning on a regular basis through a Planned Preventative Maintenance programme. For cleaning further out from the venue boundary, it is likely that OVG will tie into the existing campus wide cleaning provision to ensure that it is kept to the current standard.

A comprehensive Waste Management Plan has been submitted as part of the planning application. Some key points are summarised below.

- Waste will be separated at source into a number of streams. Residual waste and Dry Mixed Recyclables (DMR) will be segregated venue-wide, with glass and organics also segregated in certain areas.
- A large proportion of the venue's waste will be generated in the arena concourse areas. To reduce the risk of litter bins in these areas overflowing, cleaners will regularly empty them and transfer waste to larger bins in intermediate stores.
- Waste generated within the bars and concession units will be stored within the units themselves, while waste produced in the hospitality areas will be backhauled to the kitchens on each level.
- A portion of the proposed arena's waste will be moved to the existing Etihad Campus waste compound for collection, via the bin compound on the L01 podium. To ensure that the waste strategy offers sufficient resilience, provision will also be made for a portion of the proposed arena's waste to be compacted on-site and collected from the L00 service yard.

At this stage, it is proposed that cleaners will move residual waste to the compactors in the L00 service yard and DMR, organics and glass bins to the L01 bin compound, before transferring them to the Campus waste compound for consolidation and collection.

The compactors in the L00 service yard will be collected by a private contractor post-event using a skip-lift truck. Collection vehicles will access and exit the service yard via Sportcity Way to the north. The compactors have been oriented to ensure that the trucks do not obstruct the main servicing circulation route when they are making collections.

To maximise the efficiency of operations, DMR, glass and organics bins will be moved from the L01 bin compound to the Etihad Campus waste compound using 3.5t box vans.

In order to avoid any adverse impacts on users of the Campus, waste will be moved in the early hours, when levels of pedestrian activity are at their lowest.

Organics and glass bins will be collected from the Campus waste compound by a rear-end loader refuse vehicle, while DMR will be compacted. To minimise the number of waste vehicle trips, it is proposed that DMR is stored in a large portable roll-on roll-off compactor and collected by a hook-lift truck.

## 4.2. Smoking

The venue will operate a strict no smoking policy and no re-admission will be permitted for those wishing to leave the venue to smoke. This being the case, we don't expect any impact from smoking, and this is benchmarked from similar policies being in place at most venues throughout the UK.

## 4.3. Event Management Plan (EMP)

The EMP will be the key event communication component, detailing the event requirements and how they will be delivered. The document will be available internally to all staff as well as to key external stakeholders. The EMP is likely to cover the following topics, with the more strategic elements being detailed within the Operations Manual and other strategic documents such as the Incident Strategy, Crisis Communications Strategy and Business Continuity Plan, to avoid repetitiveness where possible;

- Overview of the event,
- Risk Assessment,
- Expected Audience Profile,
- Arena Configuration,
- Capacity, ticket sales and expected attendance
- Areas in use,
- Schedule of activities,
- Details of contractors working on the event,
- Transport and logistics arrangements,
- F&B operation,
- Security and staffing requirements,
- Merchandise operation,
- Cleaning and waste operations,
- Technical and production requirements,
- Medical provision,
- Fire Safety provision.

The document will be available in advance of the event, likely 2 weeks out, and updated up until the event day. On the event day, information from this document will be used to form an Event Briefing Document, which will be available to each staff working on the event.

#### 4.4. Accessibility

A key strategy for OVG is to deliver an arena that is truly world class for everyone who comes to visit. This fits in well with Manchester's Core Strategy, that there is an aspiration that by 2027 'Manchester will be a successful and accessible City in the front rank of cities in Europe and the world'. This scheme is an opportunity to meet and exceed that aspiration through the adoption of the following four principles, which incorporate CABE's 'Principles of Inclusive Design'. These principles are embedded as part of design deliberations and output to ensure that all parts of the built environment:

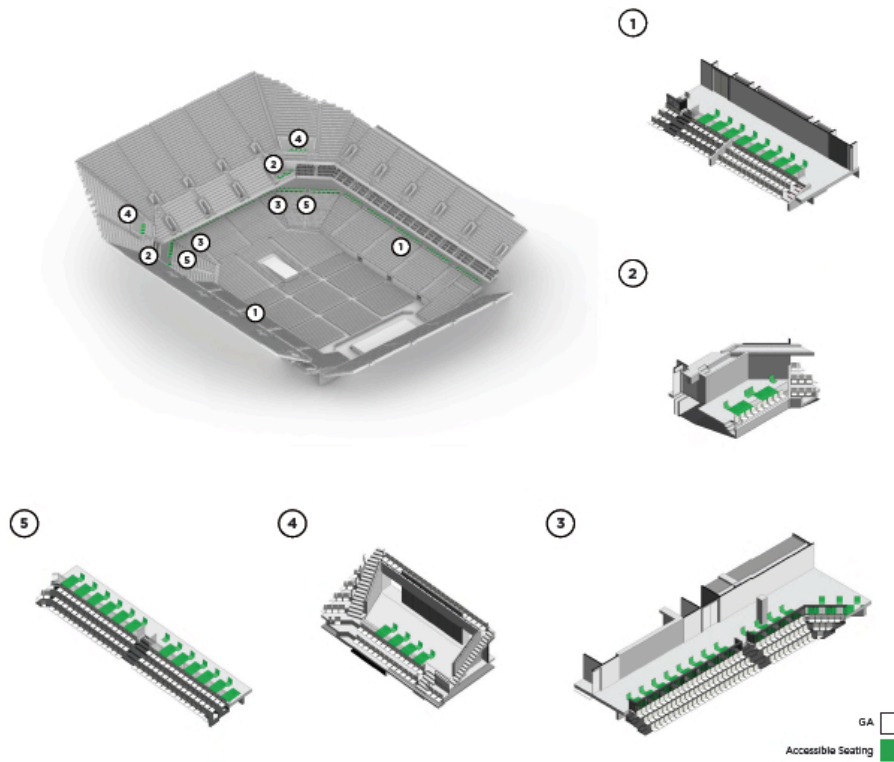
- Can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances.
- Are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.
- Are flexible and responsive, taking account of what different people say they need and want, so people can use them in different ways.
- Are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

No matter how physically accessible a venue is, without clear operational policy mechanisms, the accessibility of the venue will be compromised and over time, diminish. Therefore, sufficiently robust provision, criterion and practices will be established by the building management and operators including the development of active management plans. For this reason, OVG are seeking to obtain Attitude is Everything's (AIE) Gold Charter status. AIE's Charter is a combination of physical provision, service offering, and operational practice designed to guide venue and event organisers through a wide range of topics. The Charter sets out 21 criteria such as the provision of information, booking disability equality training to provision within the physical site looking at viewing platforms, toilets (including Changing Places facilities) and emergency evacuation plans. There are also requirements for staff training, consultation and engagement.

There is also an aspiration that the venue becomes the touring communities' favourite venue. As the design develops, the development of back of house and performers' facilities will address disabled and non-disabled users, in order to ensure that every effort is made to allow the programming of deaf and disabled Performers to operate freely and to make as many act areas as possible accessible. As part of OVG's drive to achieve AIE Gold Charter Status the design team will look at removing obstacles in all areas. As the design develops, OVG will look at how operational and management policies, procedures and practices might create unintended barriers and work to remove them.

Wheelchair user viewing spaces and amenity seating is dispersed throughout the arena. Permanent wheelchair viewing positions will provide a C60 (minimum) viewing. These positions will be generally within 40m of unisex wheelchair accessible WCs; in some instances, distances may be nominally more than 40m; the routes to those WCs will be unimpeded by obstructions such as doors. Wheelchair user viewing positions will be 900mm wide by 1400mm deep plus space for a companion seat (overall dimension will therefore be 1400mm x 1400mm) with a clear circulation space of 1200mm minimum behind these positions.

Below is a diagram showing locations of accessible seating within the seating bowl.



## 5.0 Crowd Management

### 5.1. Introduction

Crowd Movement has been a key focus for the project team and the results have been used to inform and update the design of the seating bowl, concourses and external areas.

This is more important than usual given the location of the arena, within the Etihad Campus, and in proximity to the Etihad Stadium, and that there's likely to be a small number of occasions during the year, where coincident events are likely to occur.

All of the Crowd Modelling has taken a worst-case scenario which includes a fully expanded capacity of the football stadium (61,000) and the maximum attendance achievable in the arena (23,500).

### 5.2. Crowd Modelling

A full crowd modelling exercise was commissioned as part of the design brief. This has been undertaken by Buro Happold with some input regarding historic stadium performance via Professor Keith Still to ensure the arena is aligned with historic stadium trends.

Below is a summary of the key findings from the Crowd Modelling report.

- During Ingress, the total number of security lanes provided for the Arena is sufficient to cater the demand considered.
- During an Interval, there are sufficient concession and toilet provisions at most locations to cater the demand for the interval duration considered.
- During peak departure, there is sufficient capacity at most locations within OVG Manchester, with occasional high density at top of the open stairs / escalators, which is considered acceptable as people slow down on the approach to the stairs and escalators. High density levels are likely at the access to the new central pedestrian crossing at Sportcity Way and at the South West (SW) corner, during a multi-event egress due to limited width for flows to the South

Improvements to the crowd flow will continue throughout the planning stages and further modelling and tabletop exercises will take place to ensure there are operational solutions in place for all elements of crowd management.

### 5.3. Ingress

A key component to the success of the arena is to ensure a seamless journey from the city centre and transport hubs to the entry points of the venue. This will be achieved through coordination with the Football Club and local transport stakeholders.

Communication with ticket holders will be key to ensure we detail the available and best routes onto the campus for each specific event. This will especially be prevalent on days where there are events also taking place in the Etihad Stadium. OVG will work with City

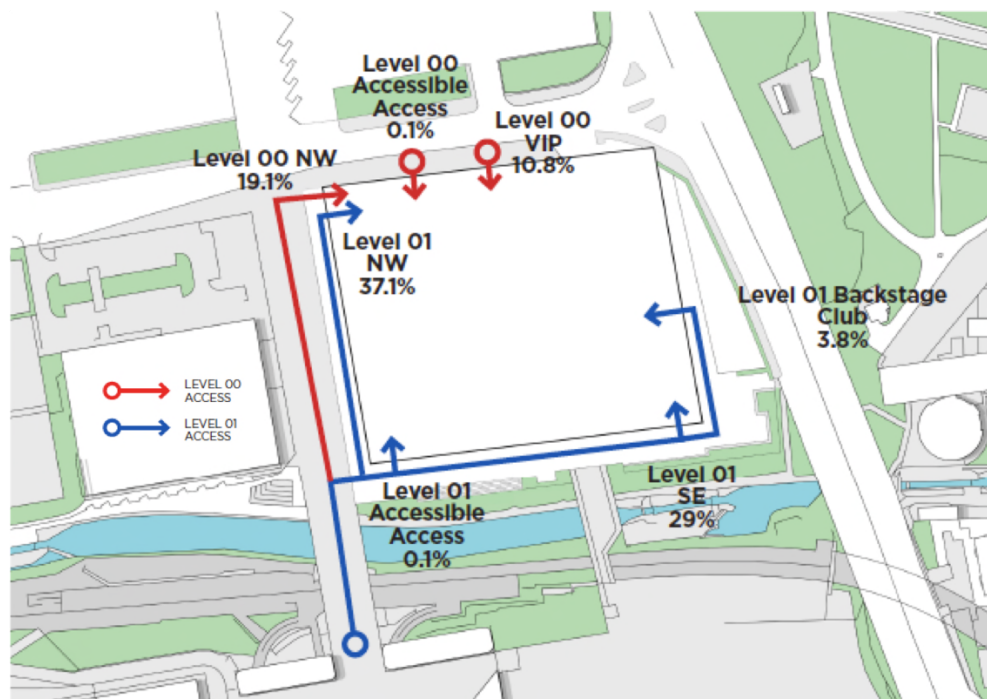
Football Group to agree operating and communication plans in advance to ensure that there is a functional plan in place for all likely eventualities.

In the main, guests are likely to approach the arena from the North if driving or from the south if walking, using the Metrolink, Busses or Taxi's. From both directions, guests will join Joe Mercer way;

- If sitting within a VIP or Premium Area, use the VIP Entrance accessed via Sports City Way
- If sitting or standing on the Event Floor, use the NW Entrance access via Sports City Way/Joe Mercer Way junction
- If sitting on Level 1 or Level 3 or has access to the Backstage Lounge, will be directed to the Podium Access Point at the Southern End of Joe Mercer Way to join the Podium and be directed to one of the other entrances accessed directly from that level
- All Entrances will be suitable for guests with Accessibility requirements, however there will also be 2 dedicated Entrances, one on Sports City Way and one in the SW Corner via the Podium, for use as well if required.

It is likely that a no bag policy will exist once the arena is operational. Soft checkpoints at the entrances to queues and as guests reach the entry points to the external podium will take place to ensure bags do not enter the arena footprint.

At the Arena Entrances, searching will take place, likely with the use of walk through magnetometers. Once through a security check, a ticket check will take place to validate the ticket and give the guest access into the event. The arena entrances have been designed to try and reduce queuing as far as possible. Slower flow rates than suggested in the Green Guide, have been used provide a worst case scenario, which is being designed against.



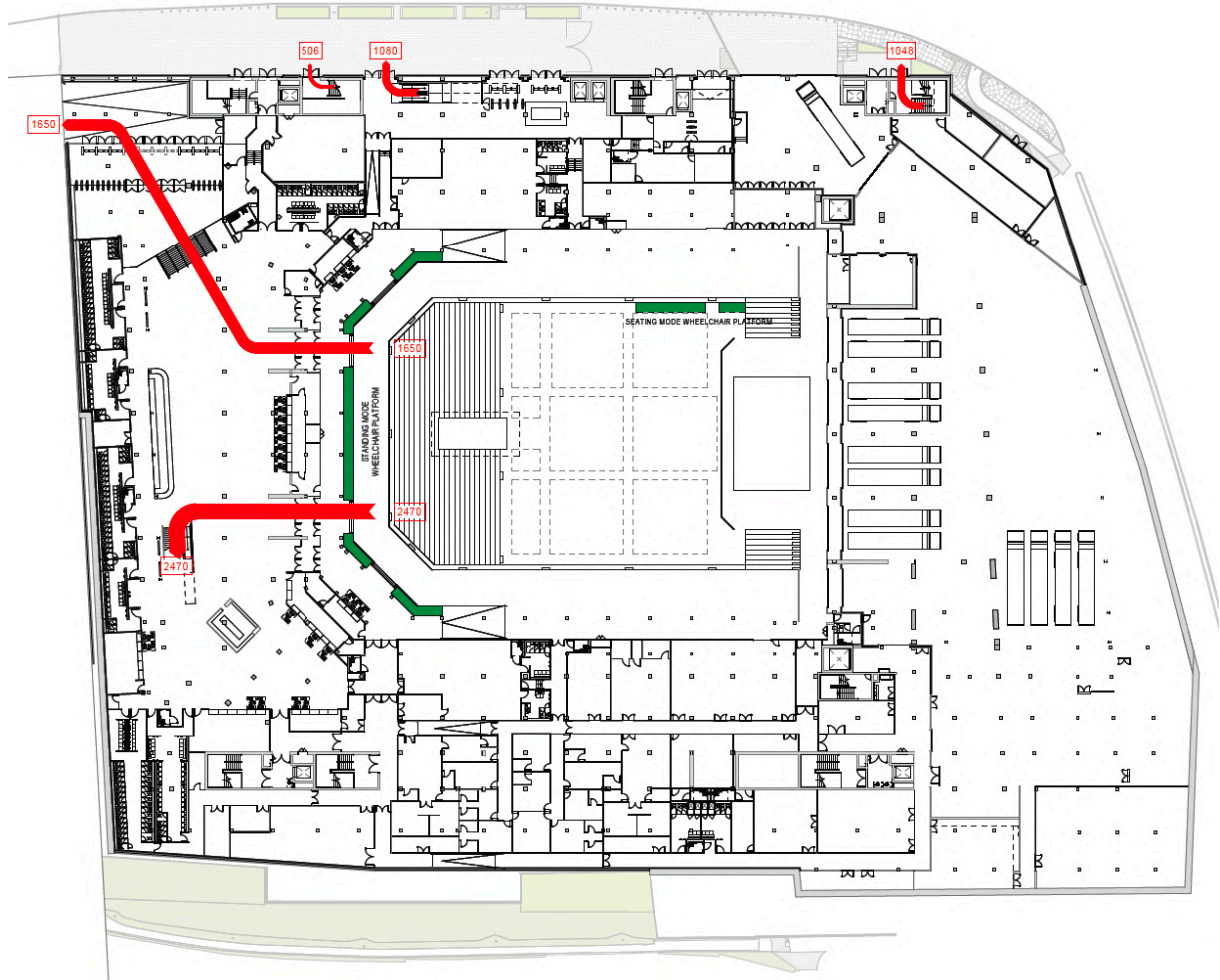
## 5.4. Egress

Egress from the arena is a complex operation, dealing with up to 23,500 spectators. On days when the stadium is in operation, there will be some remaining crowds leaving the stadium as well.

Because of this Crowd Flow models have been worked through to inform design decisions around exit widths, concourse layouts and seating bowl vomitories, to ensure there is enough space for a comfortable egress to take place.

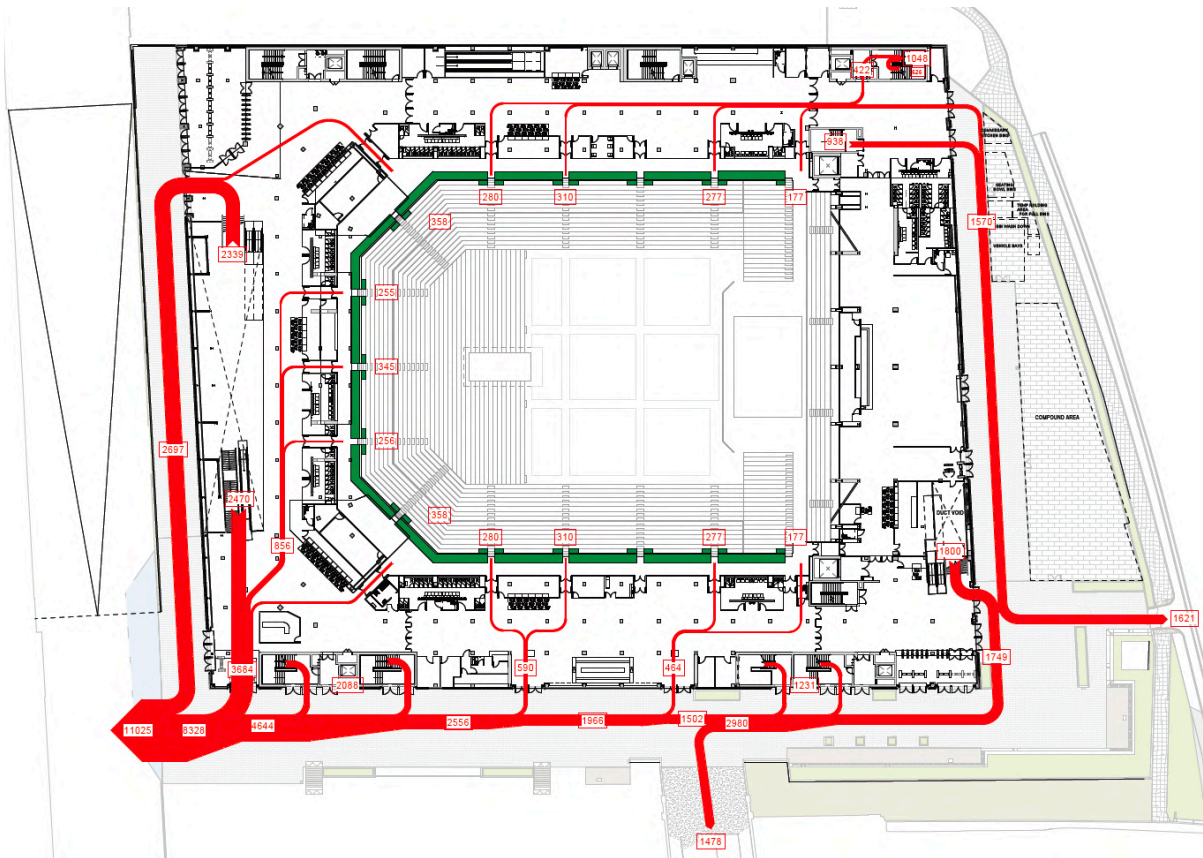
This modelling will be used by OVG to assist with the creation of operating and contingency plans, as well as for wider coordination with the Etihad Campus stakeholders.

The plan below shows egress from Level 00.





The plan below shows egress from Level 01.



## 5.5. Evacuation

Detailed evacuation plans will be created closer to the opening of the venue and will be done in conjunction with the Responsible Authorities and the key Stakeholders at the Etihad Campus to ensure integration with the existing strategy.

When an evacuation of the arena is required, either as a stand-alone requirement or as part of a wider campus incident, the strategy will be in 3 phases:

- Evacuation of the Arena from Level 0 onto Sports City Way, on Level 1 onto the External Podium
- From the Podium they will access the Etihad Campus via Joe Mercer Way or Forge Lane Bridge or the public realm via Alan Turing Way.
- From the Campus they will leave via the Green Gates and join the public realm.

Dependant on the incident, a number of cordons may be put in the place. The spectators will be held away from the venue behind these cordon lines. Once the incident has been dealt with, the venue operator will decide whether the venue will re-open and the event recommence, or the venue will remain closed and a dispersal operation will commence.

## 6.0 Transport

### 6.1. Transport Assessment

A Transport Assessment (TA) has been prepared by Buro Happold on behalf of OVG, in support of the planning application.

The scope of the TA has been discussed with MCC and Transport for Greater Manchester (TfGM) during the pre-application period and included agreements on the transport assessment scope and trip generation methodology.

The TA covers the Policy Context, the existing baseline transport conditions with regard to the pedestrian and cycle networks, public transport facilities and the highway network. Accident analysis has also been undertaken within the vicinity of the Site, Trip Generation, Impacts, Mitigation Measures and Conclusions.

### 6.2. Proposed Modifications to existing Roads

Changes to the internal and external roads are proposed to provide safe and efficient access and egress from the Site for all modes. Roads will also be subject to temporary traffic management arrangements to allow vehicles and pedestrians to be safely directed on arena events. This allows the roads to function and be used as currently at other times, including for football matches. The following key changes are proposed:

#### 6.2.1 External Roads – Permanent Changes

- Modifications to the existing junction to the far north of the site (Gate I junction with Alan Turing Way), to allow left-in left-out traffic movements, improved cycle facility and a dedicated widened pedestrian provision, together with dedicated route for service vehicle access and car access and egress;
- New emergency vehicle access from Alan Turing Way including localised modifications to existing pedestrian footway and access to the canal, to allow emergency vehicles to cross the footway and cycleway in the event of an emergency.

#### 6.2.2 External Roads – Temporary Traffic Management

- Nearside lane closure on Alan Turing Way for north-bound approach to Gate I, to allow free flow of traffic from the Gate I left-out exit after an arena event. This is implemented for event egress only.

#### 6.2.3 Internal Roads – Permanent Changes

- The widening of footways along Sportcity Way to the front of the venue by the existing Sportcity Way carriageway;
- Reduction of Sportcity Way from four lanes to three lanes to facilitate the above; and

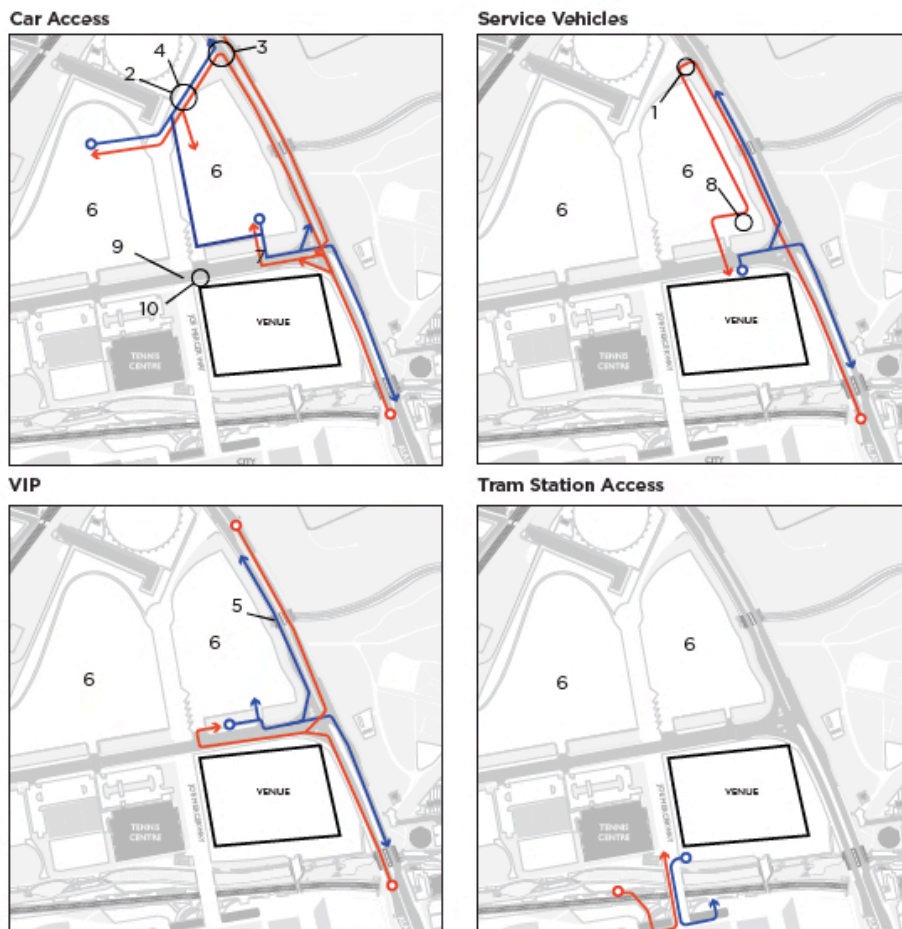
- Provision of HVM measures (fixed bollards, retractable bollards and planters) to protect crowds.

### 6.2.4 Internal Roads – Temporary Traffic Management

- Closure of Sportcity Way at the interface with Joe Mercer Way using retractable HVM bollards, to provide a safe route for pedestrians on entry and egress to the arena. This is implemented for event ingress and egress; and
- Provision of a new drop-off facility for VIPs to the front of the arena, through closure of lanes and provision of a temporary u-turn facility. This is implemented for event ingress and egress.

### 6.3. Vehicular Access

Vehicular access from the public highway will be via the existing site access junctions on Alan Turing Way to the north-east side of the proposed arena. The Figure below shows the vehicular routes in/out of the Etihad Campus for the arena from Alan Turing Way junctions via Gate 1 and Gate 2 access points. Red line shows entry, Blue line shows departure.



The main vehicular access routes to the arena are proposed as follows:

- **Arena service yard traffic:**
  - Access for event logistics traffic from the north, via the re-configured junction at Gate 1 off Alan Turing Way; and
  - Access for other, day-to-day servicing traffic via Sportcity Way using the Gate 2 entry.
- **Emergency services:**
  - Access from Alan Turing Way via Gate 2 to Sportcity Way;
  - Access from Alan Turing Way via Gate 1 to the car parks; and
  - Podium access from the east via a new emergency access route provided across the existing footway and cycleway. This will be an informal access route for use in emergency only.
- **Waste collection:**
  - From L00 service yard from Alan Turing Way via Gate 2 to Sportcity Way; and
  - From the podium from the south west via Joe Mercer Way.
- **OB Compound:**
  - occasional vehicle access from the south via Forge Lane Bridge.

#### 6.4. Deliveries & Servicing

The arena service yard will be located on the eastern side of the site, which will be wholly enclosed and accessed via a two-way internal access route from Sportcity Way. The service yard access will be traffic signal controlled, linked to the Sportcity Way junction with Alan Turing Way. Service yard traffic will only be permitted to cross Sportcity Way when the traffic approaching from the east is held at a red light as part of the existing junction signal phasing.

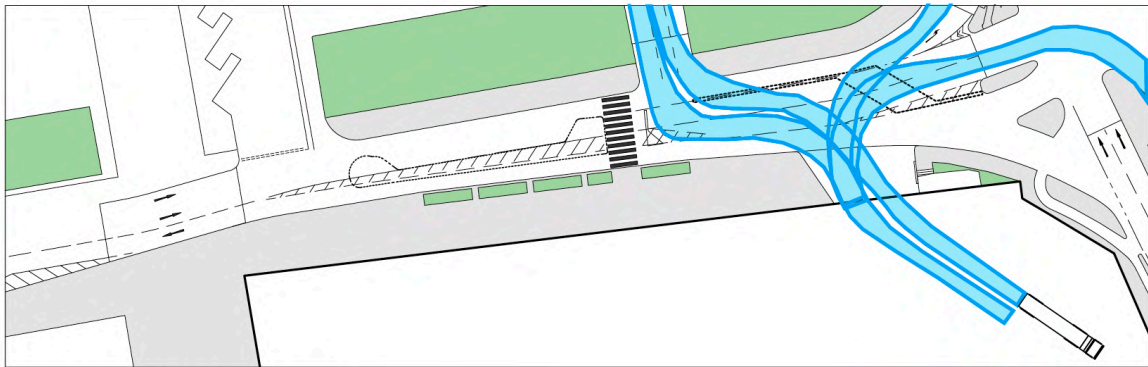
The service yard will provide space for loading and parking of production vehicles associated with an event. Eight vehicles will be able to load directly onto the event floor at any time, whilst parking for four further large vehicles will be available.

The service yard will also provide for more day-to-day delivery activities including catering deliveries and will provide the location for storage and collection of waste compactors.

Additional waste and vehicle compounds will be provided on the L01 podium. The waste compound will be provided for temporary storage of waste before it is transferred to the Etihad Campus-wide waste management facility. The waste will be stored in large wheeled bins, which will be loaded onto or towed by a vehicle to be transferred. These vehicles will access Joe Mercer Way via the podium.

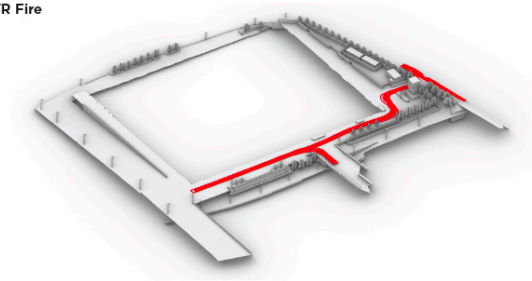
The vehicle compound will be provided as a facility to occasionally park OB trucks or other vehicles required for a special event, such as equipment for a temporary ice rink. The space has been designed to be flexible to respond to a variety of needs but will be able to accommodate a typical outside broadcast set up consisting; two large production trucks, two generators and a satellite uplink vehicle. These vehicles will access the area via Forge Lane Bridge from the south. Their entry will be carefully managed to avoid conflict with arena users and other pedestrians. Vehicles will be able to enter, turn and leave the podium area safely in a forward gear.

Vehicle swept path analysis has been undertaken to ensure that vehicles can adequately manoeuvre within the service area and manoeuvre on/off the highway in forward gear.

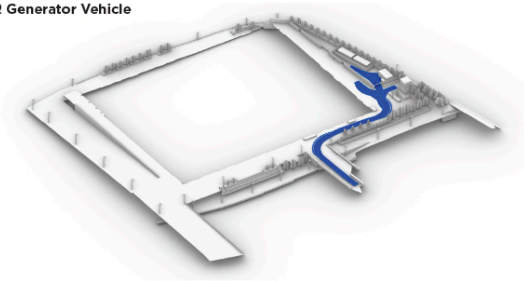


Servicing to Alan Turing Way/Sportcity Way Junction

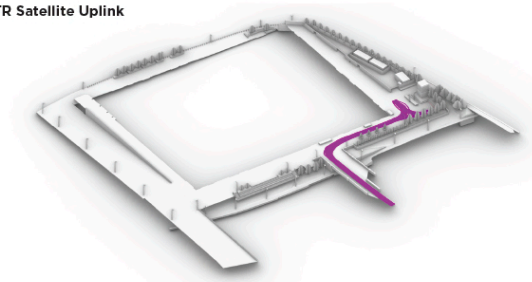
ATR Fire



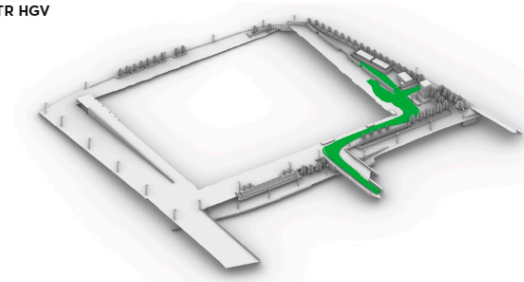
ATR Generator Vehicle



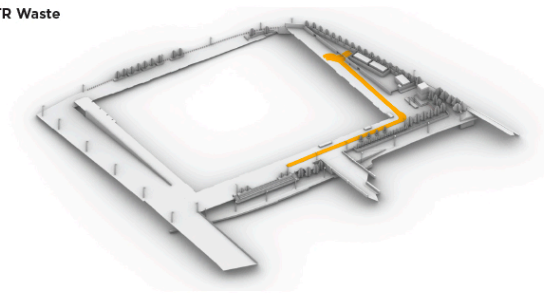
ATR Satellite Uplink



ATR HGV



ATR Waste



### 6.4.1 Event Day

On an event day, outside of the event production deliveries, servicing will be avoided as far as possible. Typical event day delivery patterns are described as follows:

- Up to 26 vehicles – Event trucks and coach / tour buses, arriving on site at around 04:00 and leaving early the following morning;
- Up to 6 vehicles – Artists, arriving in the afternoon for sound checks; and
- Up to 2 runner vehicles – Frequently coming on and off-site to pick up items from the local area.

The patterns described above show that deliveries would largely avoid the peak hour, with only demand from the runner vehicles potentially coinciding with the network peak hours. It is expected that no deliveries and servicing would occur during peak spectator arrival and departure hours.

The network peak hour servicing trip generation by vehicle type is shown in table below.

Mode	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)			Daily		
	In	Out	Total	In	Out	Total	In	Out	Total
Light Servicing	1	1	2	0	0	0	18	18	36
Heavy Servicing	0	0	0	0	0	0	27	27	54
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>45</b>	<b>45</b>	<b>89</b>

### 6.4.2 Non-Event Day

On a non-event day, there would be up to 16 delivery and servicing vehicles broken down as follows:

- 5 vehicles – food and beverage;
- 2 vehicles – courier;
- 1 vehicle – office;
- 4 vehicles – waste collection; and
- 4 vehicles – maintenance.

Given the types of deliveries listed, a 50-50 split between light and heavy goods vehicles has been assumed. The peak hour servicing trip generation by vehicle type is shown in the following table.

Mode	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)			Daily		
	In	Out	Total	In	Out	Total	In	Out	Total
Light Servicing	2	2	4	1	1	2	8	8	16
Heavy Servicing	2	2	4	1	1	2	8	8	16
<b>Total</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>16</b>	<b>16</b>	<b>32</b>

## 6.5. On Site Facilities

### 6.5.1 Car Parking

Car parking at the Etihad Campus and the management of it thereof considers the Campus operating as a whole rather than its individual components. This enables an efficient and flexible use of the space within the Campus for parking and other operational requirements.

Approximately 3,700 parking spaces will be available within the Etihad Campus once the arena is operational.

Parking provision for the proposed arena will be made within these car parks. The number of parking spaces available to visitors for the proposed arena will vary depending on the events taking place across the Campus at the time. The two scenarios that result in the maximum and minimum allocation of parking spaces for the arena are:

- When an arena event is the only event taking place at the Etihad Campus, up to 3,000 parking spaces will be available to the proposed arena; and
- When an arena event runs in parallel with an event at the Etihad Stadium, up to 500 spaces are expected to be made available to the proposed arena.

Car parking spaces for visitors associated with the proposed arena are expected to be made available primarily on a pre-booked basis. Inherent flexibility in the football calendar means that spaces will not usually be released for pre-booking until shortly before an event. Electronic messaging from point of ticket sale will promote other travel options, which should help to encourage people to travel by sustainable modes.

### 6.5.2 Coach Parking

Provision for coach parking is provided within the car parking areas on Campus. Spaces are provided on a flexible basis depending on the requirements of each event day.

### 6.5.3 Cycle Parking

The Etihad Campus currently, has a total of 284 cycle parking spaces (in the form of 142 Sheffield Stands) at various locations around the Campus.

It is proposed to provide 240 additional covered cycle parking spaces as part of the proposed development. In line with the Campus strategy, these cycle parking facilities are expected to be installed in locations where cycle routes enter the Campus. The use of the cycle parking will be monitored as part of the proposed arena Travel Plan to ensure that sufficient cycle parking is provided and should there be a demand for additional cycle parking, this will be provided where appropriate.

## 6.6. Staff

It is anticipated that up to 770 'arena staff' will be required on site for full capacity events, and these will be a mixture of full-time, part-time, temporary and contract staff covering all aspects of the arena operation. The tables below show the arrival and departure profiles respectively of arena staff during event days.

Staff Arrival Profile

Staff Type	Time Period						Total
	06:00 – 10:00	10:00 – 12:00	12:00 – 14:00	15:00	16:00	17:00	
Stewards/ Security	10	10	20	50	150	130	370
Cleaners	6	8	10	10	-	-	34
F&B	25	25	25	75	90	100	340
Other (Facilities, Tech, Ops, etc.)	10	10	5	-	-	-	25
<b>Total</b>	<b>51</b>	<b>53</b>	<b>60</b>	<b>135</b>	<b>240</b>	<b>230</b>	<b>769</b>

Staff Departure Profile

Staff type	Time Period						Total
	20:00 – 22:00	22:30	23:00	00:00	01:00	02:00 – 03:00	
Stewards/ Security	20	40	270	20	10	10	370
Cleaners	-	-	34	-	-	-	34
F&B	75	75	90	60	40	-	340
Other (Facilities, Tech, Ops, etc.)	-	-	15	5	-	5	25
<b>Total</b>	<b>95</b>	<b>115</b>	<b>409</b>	<b>85</b>	<b>50</b>	<b>15</b>	<b>769</b>

On non-event days at the arena, it is expected that there will be up to 70 staff on-site.



## 6.7. Guests / Visitors

A package of transport mitigation measures are proposed for the OVG Manchester arena and for the Campus. These measures are aimed at promoting sustainable travel and reducing the car mode share of visitors. In particular there is a firm commitment to deliver physical amendments to the resident parking scheme surrounding the Etihad Campus, such that it is able to operate on all days and across an expanded geographic area. It is proposed that the resident car parking scheme will operate seven days a week, at hours which will include evening event times, to ensure that residents are protected in terms of amenity. There is a commitment, independently of the Council or residents, to underwrite the initial cost of provision and the cost of ongoing operations.

It is felt that the implementation of the parking scheme and other sustainable transport mitigation measures can deliver a reduced car mode share for visitors to the arena. Thus, it is suggested that the car mode share for future arena visitors could be some 12-15% lower on opening than that which is currently recorded at the Etihad Stadium, assuming the parking scheme and travel planning measures are implemented. It is expected that the 12% mode share figure would be more likely observed on a weekday event, when more people travel from work prior to the event / have work the following day; whereas the 15% mode share would more likely be observed at the weekend, when people's time is less constrained. This reduction in mode share is seen as an initial change, but a further downward shift could also occur as improvements are made to public transport, walking and cycling infrastructure across the city and the downward trend in car ownership and use.

The derived baseline mode splits for weekday and weekend events are shown in the table below and have been used to represent the spectator mode split for the arena. In addition, a future arena mode split for spectators has been suggested based on the proposed mitigation measures as discussed previously in this section. A detailed description of the mitigation measures is described in Chapter 8 of the Transport Assessment.

Mode	Weekday		Weekend	
	Baseline	Future	Baseline	Future
Car (driver and passengers)	57.40%	45.50%	54.90%	40.00%
Drop off	2.00%	2.50%	3.10%	4.00%
Motorbike	0.10%	0.10%	0.00%	0.00%
Bicycle	0.10%	0.10%	0.10%	0.20%
Walk	1.40%	1.80%	0.80%	1.00%
Taxi	4.90%	6.50%	1.10%	1.50%
Train and Walk	5.10%	6.50%	7.60%	10.00%
Train and other mode	7.00%	9.00%	8.70%	11.50%
Bus	3.20%	4.00%	3.50%	5.00%
Metrolink	13.70%	17.50%	14.00%	18.50%
Coach	5.10%	6.50%	6.20%	8.30%
<b>Total</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

## 6.8. Mitigation Measures

### 6.8.1 Walking & Cycling Route Improvements

The promotion of walking routes are a key strategy to ensure the reduction of parking at the arena. Walking routes will be improved as detailed below but staff will also be deployed along the way on certain events to help with safeguarding and provide customers with information as required. The need for and extent of stewarding and management along the route, will typically be evaluated on an event by event basis and will also be informed by experience obtained during an initial 3 month period, where stewarding will be in place for all events.

Improvements are proposed to existing walking route(s) between the City Centre (Great Ancoats Street) and the Etihad Campus (subject to relevant approvals) as outlined below:

#### Ashton New Road Route

- Use paint, graphics and lighting on lamp posts to create markers which clearly designate routes, give information about walking distances and incentivise active travel.
- Locally reconfigure pavement / lane relationship at current pavement 'pinch point' adjacent to the existing railway bridge.
- Reinforce walking route markings and declutter the area where the route crosses Metrolink tracks.
- Install signage at Great Ancoats Street to better signal walking and cycling routes between the city centre and the Etihad Campus.
- Enhance greenery and planting; trim back low branches on trees along route to improve visibility below tree canopies. Actively support future maintenance in conjunction with relevant stakeholders.

#### City Link Route

- Use paint, graphics and lighting on lamp posts to create markers which clearly designate routes, give information about walking distances and incentivise active travel.
- Install signage at Ashton New Road to better signal walking and cycling routes between the city centre and the Etihad Campus.
- Install localised fencing, as necessary, to close off hiding places adjacent to bridge abutments.
- Local repairs, as necessary, to existing side fences.
- Re-paint existing side fences.
- Art / Lighting improvements where route passes beneath railway bridges.
- Remove scrub / vegetation beneath existing trees to improve sightlines and attractiveness of route. Actively support future maintenance in conjunction with relevant stakeholders.
- Groundcover / wildflower planting beneath trees to improve ecology and attractiveness of route.
- In consultation with TfGM, agree and implement a scheme of modifications to the existing Metrolink barriers on edge of City Square in order to visually open up City Link entrance from Campus.

### Ashton Canal Towpath Route

- Install cycle wheeling channel to side of existing steps between Joe Mercer Way and towpath in order to facilitate cycle accessibility.
- Use paint, graphics and lighting on lamp posts to create markers which clearly designate routes, give information about walking distances and incentivise active travel.
- Install signage at Great Ancoats Street to better signal walking and cycling routes between the city centre and the Etihad Campus.
- Cut back scrub / vegetation at strategic points to improve sightlines and attractiveness of route. Actively support future maintenance in conjunction with relevant stakeholders.
- Art / Lighting improvements where route passes beneath bridges.

### 6.8.2 Cycle Parking Improvements

In accordance with the overall Etihad Campus strategy, the installation of 240 covered cycle spaces, to supplement the existing spaces in the campus, in line with the campus strategy. The cycle parking facilities are expected to be installed in locations where cycle routes enter the campus.

### 6.8.3 Campus Access/ Egress Improvements

To assist with the relief of congestion before and after events, a series of measures will be installed on the Campus. These include the following:

- Managed access and egress arrangements for arena event day car parking which will support reduced congestion locally.
- Permanent physical changes to access and egress offering improved options for all Campus users (not just arena users).

The proposed measures are described on the following points:

- Modifications to the existing junction to the far north of the site (Gate 1 junction with Alan Turing Way), to allow left-in left-out traffic movements, improved cycle facility and a dedicated widened pedestrian provision, together with dedicated route for service vehicle access and car access and egress. (Drawing ref: BRA-BHE-XX-XX-DR-C-0230)
- New emergency vehicle access from Alan Turing Way including localised modifications to existing pedestrian footway and access to the canal, to allow emergency vehicle to cross the footway and cycleway in the event of an emergency. (Drawing ref: BRA-BHE-XX-XX-DR-C-0240)
- The widening of footways along Sportcity Way to the front of the venue by narrowing the existing Sportcity Way carriageway from 4 lanes to 3 lanes. (Drawing Ref: BRA-BHE-XX-XX-DR-C-0210)
- Provision of HVM measures (fixed bollards, retractable bollards and planters) to protect crowds.

These will allow the Campus access / egress / parking to operate as described above on arena event days. These are permanent interventions. They are designed to allow all existing

Campus operations to continue as they do at present, but their introduction will offer new operating 'tools' for the wider Campus.

## 6.9. Operational Transport Interventions

### 6.9.1 Arena Travel Plan

A range of supporting operational interventions have been identified which reflect best practice and will include the use of innovative technological and digital platforms. These will proactively promote advanced planning and direct intervention in travel behaviour for visitors and play a significant role in supporting and amplifying the benefits to be gained from the physical measures described previously. They would be targeted at event attendees, starting from the point of ticket-purchase to influence travel behaviour towards specific modes depending upon the specific event and the individual needs and circumstances of the visitor. This would include the provision of live transport information within the arena, which alongside the arena's potential pre and post event catering offer will encourage a more staggered egress. Where practical, this live travel information will also include the use of intelligent parking solutions where visitors are parked according to their direction of travel, in order to minimise congestion on entry and exit.

Travel Plans are an established way to promote and support sustainable travel at the site. The Arena Travel Plan submitted with the planning application as a standalone planning document provides an outline of sustainable travel measures tailored to the use of the Site along with a plan for implementing and monitoring these measures.

It includes targets to increase sustainable modes such as cycling and walking over the 5-year timeframe of the Travel Plan on event and non-event days respectively.

### 6.9.2 Walking and Cycling Promotion

Use of walking and cycling routes between the City Centre and the Etihad Campus will be facilitated through stewarding and management along the routes. The need for and extent of stewarding and management will typically be evaluated on an event by event basis and will also be informed by experience obtained during an initial 3-month period, where stewarding will be in place for all events.

### 6.9.3 Park & Ride Promotion

Park and ride options that are available locally and across Greater Manchester and are operating during the event hours will be promoted.

### 6.9.4 Metrolink Promotion

Collaboration with TfGM will be established to plan and promote enhanced Metrolink services on event days (subject to demand) before and after events, in the same way as currently operates on Stadium Event days.

### 6.9.5 Shuttle Bus Promotion

Shuttle bus services will be provided between the Etihad Campus and the City Centre. Working in consultation with TfGM, the intention is to provide shuttle-bus services between the Etihad Campus and the City Centre, in the same way as currently operates on Stadium Event days.

### 6.9.6 Marshalling

Marshalling dedicated coach, taxi/private hire and private car pick up and drop off facilities, will be facilitated to ensure that these operations can be managed effectively and efficiently without adverse effects on other modes. Marshalling would be provided, as appropriate, to ensure that these are well used and well managed.

### 6.9.7 Coincident Events

On occasions when arena events coincide with stadium events, or other significant events at the Campus the following operational measures are proposed to be implemented:

- Operate a comprehensive and targeted communication strategy to encourage attendees to use sustainable transport modes to access the Etihad Campus including:
  - advising that there is a match and an event on the same day and promoting a range of travel demand management options (i.e. 're-route', 're-mode' and 're-time' journeys);
  - encourage visitors to re-route', 're-mode' and 're-time' journeys (e.g. encourage early arrivals including the use of possible incentive offers);
  - advising that, unless pre-booked, no parking is available on-site or in the vicinity of the Etihad Campus and that there is a resident parking scheme in operation;
  - pre-booked parking (which will be limited to 500 spaces for coincident events) will not be released until shortly before event date – prior to release, visitors will be encouraged to book alternative sustainable travel arrangements in advance.
- Work with other Campus organisations, as part of an operational plan to minimise overlap between arrival and departure of events. There will be an opportunity to adjust stage times at the arena to achieve this and a strategy to advise attendees of these changes in advance to influence arrival times;
- A 'special event operational plan', when appropriate, to deliver enhanced levels of public transport capacity between the City Centre and the Etihad Campus. This would be delivered in collaboration with TfGM to ensure that every possible Metrolink service was operated by a double-unit with the frequency and the duration of shuttle-bus services arranged with operators to capture any remaining expected demand;
- When appropriate, arrange frequent demand-led bus-based park and ride/shuttle buses, to the City Centre and potentially to other public transport interchanges such as Central Park Metrolink stop (providing connectivity to the Oldham line and Park and Ride facility at Hollinwood) and Queens Road Metrolink stop (providing connectivity to the Bury line and further Park and Ride facilities);

Work with partners, including TfGM, to encourage integrated ticket packages that include sustainable and public transport travel.

## 6.10. Travel Plan

A Travel Plan has been prepared by Buro Happold on behalf of OVG as part of the planning application.

A Travel Plan is a long-term management strategy, which encourages sustainable travel for new and existing developments. The key aim is to inform employees and visitors at the Site of travel alternatives to that of the car, particularly Single Occupancy Vehicle (SOV) trips, by promoting active travel and other sustainable travel modes with a view to creating sustainable communities consistent with the overarching aims of the National Planning Policy Framework (NPPF).

A summary of the key elements of that plan are outlined below.

- A Travel Plan Coordinator (TPC) will be appointed who will be responsible for the management and maintenance of the Travel Plan
- The TPC will be responsible for:
  - Highlighting the objectives and philosophy of the Travel Plan to employees/spectators as well as obtaining and maintaining commitment and support from senior managers within the organisation;
  - Acting as a point of contact for all employees and spectators requiring information as well as for exchanging ideas and best practice with MCC/TfGM;
  - Designing and implementing effective site-wide measures and initiatives to encourage employees and visitors to use more sustainable means of transport;
  - Marketing and publicity of all travel information and Travel Plan initiatives at the Site in discussion with OVG and other key stakeholders;
  - The production of the Travel Information Pack that will be prepared three months prior to opening. The TPC will ensure that it is given to all employees prior to occupation at the Site;
  - A quarterly Travel Plan Newsletter will be prepared by the TPC for distribution to all employees providing information on updates and progress in relation to the Travel Plan, any sustainable travel events coming up or incentives being offered;
  - Agree a standardised Travel Survey questionnaire format with MCC/TfGM and devise possible incentives for employees/spectators to complete and return their questionnaires; and
  - Collation of all the Travel Survey information and discuss/agree any measures/initiatives/targets; and
  - Producing annual monitoring reports for submission to MCC/TfGM
- OVG will establish a Transport Management Group with key stakeholders including MCC, TfGM, the Police, local public transport operators and other TPCs in the area (including Manchester City Football Club) to help develop ideas, overcome barriers and share best practice with regard to sustainable travel at Etihad Campus and in relation to this Arena Travel Plan;

- Promote walking and cycling, as detailed in Section 6.9;
- OVG are committed to adopting a Local Labour Agreement aimed at employing a significant proportion of the workforce from within the local area and ensuring that local communities have first and priority access to employment opportunities. This initiative will seek to promote walking and cycling as a natural travel choice for employees from the local area;
- OVG will periodically offer incentives to employees to promote cycling such as loans, discounts and vouchers towards the cost of purchasing a bicycle and/or bicycle equipment;
- The TPC will also investigate discounts/special deals for employees with local cycle retailers for the purchase of bikes, equipment and clothing;
- Raise awareness of the sustainable travel initiatives being implemented through the Travel Plan;
- Measures to promote public transport, park and ride, car sharing and coach travel
- Travel Survey information will be included in a Monitoring Report (also known as a Progress Report), which will be prepared annually and submitted to the MCC/TfGM for consideration;
- Employee targets for event and non-event days are as follows, that are subject to review once the baseline travels surveys have been completed:

Employee (Interim) Mode Split Targets on Event Days (Circa 770 employees)

Target	Baseline (Interim) Year 0	Target Modal Split		
		Year 1	Year 3	Year 5
<b>Reduce SOV car trips by 18% *</b>	28% *	<b>22%</b>	<b>16%</b>	<b>10%</b>
<b>Increase Walking by 10%</b>	11%	<b>14%</b>	<b>16%</b>	<b>21%</b>
<b>Increase Cycling by 13%</b>	2%	<b>6%</b>	<b>9%</b>	<b>15%</b>
<b>Reduce Public Transport use by 5%</b>	38%	<b>36%</b>	<b>35%</b>	<b>33%</b>

\* subject to baseline travel survey results (SOV car trips and car share trips will be obtained separately)

Table 6.1 Employee (Interim) Mode Split Targets on Non-Event Days (Up to 70 employees)

Target	Baseline (Interim) Year 0	Target Modal Split		
		Year 1	Year 3	Year 5
<b>Reduce SOV car mode by 40% *</b>	69% *	<b>57%</b>	<b>46%</b>	<b>29%</b>
<b>Increase Walking by 20%</b>	0%	<b>10%</b>	<b>15%</b>	<b>20%</b>
<b>Increase Cycling by 20%</b>	1%	<b>5%</b>	<b>7%</b>	<b>21%</b>

\* subject to baseline travel survey results (SOV car trips and car share trips will be obtained separately)

## 7.0 Licensing Objectives

The arena operations team will prepare a library of Standard Operating Procedures (SOPs) that will deal with all elements of the operation and used as key training tools for the relevant members of staff. The SOPs will range from opening doors, managing the arena bowl and ejections to egress, to name a few. Upholding the licencing objectives is a key element to the arena operation and there will be detailed and tested plans in place for each of the following:

- The prevention of crime and disorder
- Public safety,
- The prevention of public nuisance
- The protection of children from harm



## 8.0 Communicating with the local community

On top of the All Access Group, OVG plans to maintain open communication with the local community throughout the construction and operational phases of the project. There will be open days, access to tickets and a direct phone and email address to make contact with.



Jennifer Atkinson [REDACTED]

**126431/FO/2020 - URN:2019/0841/PLA/01**

1 message

To [REDACTED] 30 April 2020 at 09:43

LAND ON THE CORNER OF SPORTCITY WAY AND ALAN TURING WAY

Good Morning,

Thank you for the opportunity to comment on the above application, having looked at the documents submitted, we would recommend that a condition to reflect the physical security specifications set out in the Crime Impact Statement should be added, if the application is to be approved.

Kind Regards

Sean Bastow Bsc Hons

Designing Out Crime Officer (DOCO)

Assistant Design For Security Consultant

for and on behalf of Greater Manchester Police| Crime Prevention Team

designforsecurity | preventandsecure

**Office Address:** 4th Floor, Greater Manchester Police Force Headquarters, Northampton Road, Central Park, Manchester, M40 5BP

**Postal Address:** Design for Security, Greater Manchester Police, Openshaw Complex, [Lawton Street](#), [Openshaw](#), [Manchester](#), [M11 2NS](#)

T [REDACTED] | M: [REDACTED] | E: [REDACTED] | [www.designforsecurity.org](http://www.designforsecurity.org)

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To reassure our customers and colleagues, we remain able to offer our full range of services - Crime Impact Statements, Secured by Design, Planning and Design Advice, and assisting Police colleagues.

Please continue to contact the team via the usual channels - email, telephone or website.

You can access many of our services online at [www.gmp.police.uk](http://www.gmp.police.uk).

For emergencies only call 999, or 101 if it's a less urgent matter.

You can also connect with us on:

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*Thank you for your co-operation.*

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Jennifer Atkinson [REDACTED]

**126431/FO/2020 - URN:2019/0841/PLA/02**

1 message

[REDACTED] 29 May 2020 at 11:33  
To [REDACTED]

Good Morning,

Thank you for the opportunity to comment on the above application, having looked at the documents submitted, we would recommend that a condition to reflect the physical security specifications set out in the Crime Impact Statement should be added, if the application is to be approved.

Kind Regards

Sean Bastow Bsc Hons

Designing Out Crime Officer (DOCO)

Assistant Design For Security Consultant

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To find out what is happening in your area, visit [www.gmp.police.uk/a/your-area](http://www.gmp.police.uk/a/your-area) where you will be able to follow local social media accounts.

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*Thank you for your co-operation.*

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
126431/FO/2020	31st Mar 2020	24th Sep 2020	Ancoats & Beswick Ward

**Proposal** Erection of a multi-use arena (Use Class D2) with a partially illuminated external facade together with ancillary retail/commercial uses (Classes A1, A3 and A4), with highways, access, servicing, landscaping, public realm and other associated works

**Location** Site South Of Sportcity Way, East Of Joe Mercer Way, West Of Alan Turing Way And North Of The Ashton Canal At The Etihad Campus, Manchester

**Applicant** OVG Manchester Limited, C/o Agent

**Agent** Miss Eve Grant, Deloitte LLP, 2 Hardman Street, Manchester, M3 3HF

### **Description**

This 4.46 hectare site is used as a 500 space overspill car park for events at the Etihad stadium. The site is secured with a mesh fence on all sides and contains a number of self-seeded trees and shrubs. Its topography is relatively flat with a gentle slope from south to north before the site drops steeply down to the Ashton Canal.

The site is bounded by Joe Mercer Way (an elevated pedestrian walkway connecting to the Etihad Stadium) which separates the site from the Manchester Tennis and Football Centre located further west, Alan Turing Way, a four lane road with segregated cycle lanes is to the east with the Ashton Canal and the Etihad Metrolink stop to the south.



***View of the site from Joe Mercer Way***

The site forms part of the Etihad Campus which includes the Etihad Stadium, Manchester Regional Arena, City Football Academy and the National Squash

Centre. The Etihad Campus has been a focus for regeneration since it was first used to host the Manchester Commonwealth Games in 2002.



***Etihad Campus and surrounding context including application site identified in red***

To the east of Alan Turing Way are Philips Park and Philips Park Cemetery which are Grade II listed. The area beyond the Park and Cemetery contains light industrial uses and Philips Park Fire Station. The raised railway line is a buffer between the industrial area and residential communities in Miles Platting and Newton Heath.

The area to the east of Alan Turing Way, alongside the National Cycling Centre and the Eastlands District Centre, is more residential in character. There are three apartment buildings up to 10 storeys in height amongst two storey terraced housing.

The towpath and cycle path along the Ashton Canal to the south link the site to city centre and beyond in an eastwards direction.

The Etihad Stadium has a capacity of 55,017 with planning permission to expand to 62,170.

To the north is a large car park associated with the Etihad Stadium, accessed via Sportcity Way connecting to Alan Turing Way. Beyond this are two gas holders: one on Bradford Road and the other on Alan Turing Way.

This is a sustainable location, well served by public transport including Metrolink with a tram stop for the Etihad Campus to the south of the site providing regular services

to the city centre and beyond and to Ashton. The site is also well served by frequent bus services and is also well connected to cycle routes including along the Ashton Canal and other walking routes from the city centre. Regular bus services serve the site.

## **Proposal**

This application proposes a multi use arena comprising 68,608 sqm of floorspace with ancillary retail, food and beverage uses.

The applicant, OVG Manchester Limited (part of Oak View Limited), are delivering arenas in New York, Milan, Seattle, Austin and Palm Springs and aim to deliver arenas where artists and fans are brought closer together through the arena design and consideration of the live entertainment experience.

Their aim is to develop the best arena in Europe in Manchester that would attract the world's top events and shows. They aim to set new standards in terms of arena design and environmental sustainability.

The design would be unique and enable the main auditorium to operate in a variety of different seating modes and host different entertainment and leisure events including music, sport, performances, awards ceremonies and other live entertainment. Its capacity would normally be 20,000 but could be extended to 23,500 for events where a centre stage configuration is used.

The arena would host events on scheduled days throughout the week and year. The operational strategy could occasionally result in events taking place at the same time or same day as football events at the Etihad Stadium. The associated impacts of this are considered in detail in the report.

The auditorium would be custom designed for a much more compact, flexible and intimate configuration compared to comparable capacity venues. The lower tier of the seating bowl would have retractable seating that could be configured in a variety of ways in maximise the spectator experience. The upper tier would project and be lower to the heart of the auditorium to enable a more intimate spectator experience.





***Image of the auditorium***

The auditorium has been pulled away from the western sides of the building to create atrium space from the ground floor to level 2. These spaces would be connected by open escalators and stairs.



***Image of the concourse and atrium spaces including food and drink facilities and hospitality lounges together with a view towards the level 2 hospitality***

Premium hospitality facilities would be accommodated on level 2, including the 'Atrium Lounge' and private suites and clubs. This hospitality accommodation on level 1 and the ground floor is sub-divided into a series of spaces, including individual suites and slightly larger lounges that are open to the concourse spaces below with views over the auditorium. The upper tier (level 3) would be surrounded by a double height concourse space. On level 4, open bar lounges would provide 'in the Gods' views to the stage.

The siting and scale of the building responds to the operational requirements and seeks to create a distinctive development that responds to the character and quality at the Etihad Campus. The building concept involves a lower masonry plinth with an upper lightweight stepped box. The lower plinth connects to Sportcity Way and Alan Turing Way and forms a series of podiums along Joe Mercer Way and the Ashton Canal.

The upper level external facade includes LED screens and architectural lighting with black perforated panelling with a high gloss finish. The base of the building would be ribbed pre-cast concrete to provide a solid and contrasting finish to the gloss panelling.



### ***View of the arena from Joe Mercer Way***

There would be 118 permanent wheelchair viewing positions for 15,000 capacity events. When the capacity is at its maximum i.e. 23,500, the number of wheel chair positions would be 154. Each suite could accommodate at least one wheelchair user and lounge clubs at least two.

The public realm would include landscaping along the Ashton Canal with wildflower planting, hard and soft landscaping including tree planting, seating, lighting and green screens to Alan Turing Way. Improved wayfinding would assist pedestrian movements and linkages to the Etihad Campus. Walking routes from the city centre and along the Ashton Canal would be improved to encourage walking and cycling to the arena.

### **The planning submission**

This planning application has been supported by the following information:

- Supporting planning statement;
- Design and access statement;
- Market Assessment;
- Economic impact of two arenas in Manchester;
- Sequential Test;
- Statement of Community Involvement;
- Sustainability Statement;
- Broadband Connectivity Statement;

- Heritage Statement;
- Operating schedule and event management strategy;
- TV reception survey; and
- Ventilation, extraction and odour report.

The application is also the subject of an Environmental Statement which includes the following chapters:

- Construction management and phasing;
- Air quality and dust;
- Ground conditions;
- Lighting;
- Townscape and visual impact;
- Noise and vibration;
- Socio-economic;
- Traffic and transport;
- Water quality, drainage and flood risk;
- Wind microclimate;
- Climate change; and
- Cumulative effects.

### **Notifications/Consultations**

The proposal has been advertised as a major development, of public interest, affecting the setting of listed buildings and subject to an Environmental Impact Assessment. Site notices were displayed at the site.

7652 notification letters have been sent to an extensive area, local residents and businesses. Two rounds of neighbour notification were carried out due to the receipt of additional information during the course of the application. A summary of the comments received are detailed below.

### **First Notification**

#### ***Local residents/public opinion***

#### **Supports**

68 Supports were received to the first notification. 5 supports were received from the 7652 properties which were notified of the application. 10 were from other Manchester wards, 28 from other Greater Manchester Authorities and 25 from properties outside of Greater Manchester.

The local residents/public opinion supports are summarised below:

- This proposal would be fantastic opportunity for Manchester and would play its part in rebalancing the north south divide. This would be another notable development for Manchester and the North West;

- The proposal would bring much needed business into the city and support the increasing hotel stock. This would also create 1000s of jobs which are needed at this time;
- There are enough events throughout the year to support both Manchester Arena and this new arena;
- There is ample transport links which would minimise the impacts on the local area. When the football is at home the impact on locals is minimal;
- This is a much needed addition to the City and should be granted planning permission;
- This proposal is positive news for the events industry moving forward. The events industry has been massively impacted upon over the last few months and this would help the city emerge out of the recent crisis;
- The city has two football teams and can have two arenas and one which is world class that would benefit the local area and the city;
- The proposed economic investment would bring significant job opportunities throughout the build phase and operations. The investment, it is hoped, would see direct job and business opportunities for local people and companies in East Manchester and Greater Manchester who are ready to work with the applicant to ensure positive impacts for residents;
- Residents wish to work with the applicant to minimise the impact from traffic and visitors to the area and the mitigation measures are noted;
- This proposal would improve the condition of the land and create job opportunities for locals. This would move wealth and opportunities in places other than the city centre;
- The transformation in the area over the last 20 years has only been for the better. Residents' lives have been easier as a result of some of the best transport links in the country. The appearance of the area is also better. Residents have gained employment and this arena would be another boost to the area and attract more investment;
- This proposal would be amazing for East Manchester and there is a case for two arenas which would bring more events to the North;
- This proposal would enable more music to be played outside of the centre of Manchester. There are great transport links already in place and this would lead to more regeneration of the area and jobs for local people;
- A new arena is needed. The existing arena is dated, tired and the seating, especially on the floor area, is poor. The traffic issues at the MEN arena following an event are difficult;
- Manchester is a world class city. There is no reason why two venues could not operate successfully if both provide class entertainment and do not overcharge. Competition could actually be beneficial;
- The arena would have managed parking arrangements, a tram straight to the door and close to the motorway network. This proposal would add to the regeneration of East Manchester and would be better than going to a concert in the city centre;
- The recent events at the Manchester arena has left it feeling unsafe. It is hoped this new arena, with more secure access, will make a big difference to those using it and those who wish to return to attending events;
- Having two arena would help drive prices down, making entertainment and the arts more accessible to lower income households. The pricing at the Manchester arena means it is less likely to be used with preferences given to

Leeds or Sheffield. Manchester is growing mainly toward the north (Ancoats/Miles Platting). A lot of money has been invested in these area and this should continue. Competition would also drive the quality up in other Manchester venues;

- The site is much easier to access from outside of the city centre. It would attract people to come to Manchester from other cities more than the current arena does. This proposal would not be the detriment to the existing arena or the city centre as it would provide a different experience and can complement each other;
- The bars and restaurant offer at the arena would make it a good place to have a night out;
- This benefits the city by bringing more choice and is an exciting development which would bring jobs to a deprived area;
- The vibrant music scene of the city requires another venue like this. It would also give Manchester something special to attract the best acts and sports events;
- This is an exciting opportunity for the area, providing jobs and facilities to be used by the community and beyond. It would also enhance the excellent facilities already in place;
- The continual redevelopment of East Manchester is vital for the clean-up, growth and expansion of the area. Other areas of the city would also benefit which would be beneficial to locals quality of life and economy;
- There is no point having land earmarked for development if you don't do anything with it. This proposal fits that objective and would benefit other areas as well. Traffic would require management;
- The Manchester Arena is dirty and outdated and difficult to get to. Manchester needs a new arena. Birmingham can support two arena so can Manchester. The two arena would double to amount of acts so this would be good for the local economy;
- The Manchester arena is very poor venue for live music. Leeds arena is much better for events. This proposal would place Manchester as the premier live event destination outside of London with better acoustics, layout and seating (which Leeds has);
- This facility could bring ice hockey back to the City;
- Eastlands has been transformed and is now a pleasant place to visit. It would be foolish to stop further investment in the city and enhancement of this area. There is enough of a market for both arenas to thrive and give customers choice;
- The arena would bring more footfall to the city and class acts. More concerts, more sports events and more money coming into the city. People would still be able to use city centre venues before venturing to the proposed arena. The public transport links are excellent and this would only enhance Manchester further;
- This proposal would be a better concert experience for the public. There is poor customer experience and expensive offering at the Manchester Arena which customers have had to endure for too long;
- The proposal in this local would help reduce congestion in the city centre;

## Objections

581 objections were received as a result of the first notification. 14 were from the 7652 properties which were notified. 52 were from other Manchester wards, 253 from other Greater Manchester Authorities and 262 from properties outside of Greater Manchester.

The local residents/public opinion objections can be summarised as follows:

- The local area already suffers when football matches are played. The traffic is terrible and the roads cannot cope. The arena would make this worse;
- There is noise, rowdiness, litter and people urinating on match days which is unacceptable. The arena would be more intensive and could be  $\frac{3}{4}$  of the week that residents are going to suffer;
- People urinate in the streets on match days and there is general rowdiness. There are not enough car parks at the campus and this proposal would reduce the car parking further. This project will bring extra traffic and antisocial behaviour to an area that has more than its fair share already. This proposal would affect property prices;
- Residents permits should be considered for the residents of New Street and Canada Street which already suffer on match days;
- The lighting and LED screens would bring further light pollution to the area particularly if they are on 24/7;
- The energy efficiency and impact of the building is of a concern;
- The proposal would bring more cars and pollution to the local area on weekdays and weekends. The people of the area would get no respite from the activities at the campus and the road network would not cope;
- The cars which park in the residents zone are not ticketed now so what assurances can be given that they will as part of the arena proposals;
- There are particular problems which occur when there are concerts aimed at young people with parents picking up and dropping off their children. This create traffic and issues around the campus;
- Users of the arena would be vulnerable and it would not be safe walking around the area late at night, particularly if there were issues getting public transport or a taxi;
- The additional traffic created would impact on local air quality conditions;
- There would be noise on the surrounding streets at night as a result of this proposal;
- The traffic modelling does not properly take into account the impacts nor the impact of other major events at the campus and in the local area;
- Residents have to make special arrangements to get home/leave home on match days due to the impact on the local area. This would be worse as a result of the proposals;
- The proposal would impact on the ecology of the area;
- The proposal would result in the overdevelopment of the area which does not have the infrastructure to cope;
- Having an arena and stadium event on at the same time is not acceptable considering the pollution, noise and change in dynamics of the neighbourhood;

- The proposal should be supporting access to green spaces and natural green environments;
- Developments at the campus are causing properties to be bought up for Air B and Bs which is not acceptable;
- It is not clear how this project fits in with carbon objectives for the city and the climate change emergency;
- There isn't the demand for two arenas in the city and this would lead to the demise of the Manchester arena and other venues in the City and across Greater Manchester. The stadium already holds concerts and the city centre arena should be supported as it is better served by public transport and supports city centre businesses, hotels and jobs. This arena would not be as well connected by tram, rail and bus as the Manchester arena and would put more pressure on at capacity public transport and infrastructure as well as the environment together with jobs being lost at the Manchester arena;
- The proposal would reduce footfall and spending in the city centre and increase travelling and emissions in East Manchester;
- This could affect smaller venues;
- The site would be put to much better use as social housing;
- More smaller venues should be created not large capacity venues such as this;
- The arena location doesn't work as it is not supported by hotels and other facilities;
- The proposed arena would stretch police resourcing;
- There would not be food and drinks options at the arena to keep people entertained;
- The Manchester arena attracts big names to perform and is one of the best venues to attend;
- There has been independent research carried out to show a second arena is unnecessary and would lead to the failure of either the proposed arena or Manchester arena and this therefore is a huge waste of money and will bring nothing new to the city;
- The new arena is unlikely to attract visitors from Greater Manchester or beyond as it is not as well connected as the existing arena is to public transport and amenities;
- These proposals put the redevelopment plans for the Manchester Arena at risk;
- The proposed arena would make it difficult for those with disabilities to access due to its location and reliance on public transport or walking. This is not the same experience when using the Manchester Arena;
- Market analysis demonstrates that the proposal is unviable financially and that the local public transport network - already struggling to cope on match days and concert days at the Etihad - would be unable to support the additional demand. That demand, plus increased vehicle traffic, would also increase Manchester's greenhouse gas emissions at a time the council has set ambitious targets to slash emissions;
- Manchester Arena itself has just embarked on a major programme of redevelopment. There should be, in the wake of the pandemic, support for existing entertainment venues, pubs, bars, restaurants and shops;
- Although services to Eastlands are fairly good, they are inferior to those supporting the existing Manchester Arena, and it is a long walk from the city.



- People will be more likely to travel by car. This will have an adverse effect on the environment in relation to pollution reduction;
- If a scheduled event at the proposed arena clashes with a Manchester City home game there will be chaos, with huge numbers of people vying for space, and public transport systems being unable to cope. It must be recognised that the Premier League changes match dates after the fixture list has been published due to satellite TV companies wish to televise games. It is inevitable that at some point a game would coincide with an arena event causing huge congestion on the local area;
- There is a risk of crime for spectators using the east Manchester arena;
- There is no need for a venue of this size in Manchester. The Manchester Arena has a capacity of 21,000 and has announced an increase to this. However, there are no venues in capacity between Manchester Apollo and the Arena. So there is a gap between approx 3,000 capacity and 21,000. Why not build 2 x 10,000 capacity venues. Why compete with something that already exists when there is a huge gap in the market. Also with regards to the current situation, it is not possible to hold live events yet and it is going to be well into 2021 before we have any idea of what the live music industry will look like and if it will ever recover enough to support two such size venues in Manchester;

### **Neutral**

17 neutral comments in total were received as a result of the first notification. 3 neutral comments were received from the 7652 properties which were directly notified about the planning application. 9 neutral comments from other Greater Manchester Authorities and 5 from outside of Greater Manchester.

The neutral comments can be summarised as follows:

- The proposal is great for jobs but what about the small businesses which are close to the site;
- The proposal would bring traffic and noise but it would also bring jobs and other businesses to the area;
- There would be traffic as a result of the development and it is not clear how residents would actually benefit from the proposals;
- The proposal would enhance what is already an outstanding city with another entertainment venue. If both venues are strong enough with genuine customer focus at the heart of everything that they offer/provide then both would survive;
- There are likely to be traffic issues and concerns with attacks on the city. Maybe consideration should be given to an outdoor music venue with a removable roof;
- Would be good to see the ice hockey back in the city;
- Competition of this nature in the city is good;
- This proposal would bring more choice to the city alongside the Manchester Arena, Apollo, Bridgewater Hall, Opera House. Traffic would be a concern, but if either ample parking or public transport available then this would suitable;
- An out of centre arena would not be as well served by public transport;

- The needs of disabled spectators needs to be adequately addressed as parking is difficult as is the traffic around Eastlands on match days. There also needs to be clear plans for use of the arena by Autistic people who are not adequately catered for as it stand;
- Whilst the existing arena is not fit for purpose, this proposal should not be supported unless public transport is made adequate in the area;
- The arena should be sustainable and support the city's profile;
- There needs to be a clear strategy to deal with parking in order to ensure that it does not impact on residential streets together with ensuring that public transport has the capacity and there are marshals to clear up the litter;

## **Businesses**

### **Supports**

44 Supports were received from businesses to the first notification. 2 were from business within the 7652 properties notified. 20 were from businesses within other Manchester wards, 5 from within other Greater Manchester Authorities and 17 from outside of Greater Manchester.

The business supports can be summarised as follows:

- The proposal is in line with the current Tourism Strategy in Greater Manchester which highlights the importance of live events as a key driver in the growth and success of the City Region as a visitor destination.
- The arena would be a proactive and supportive partner in marketing Manchester in order to stimulate further growth in the visitor economy. This proposal would bring £350 million of investment to East Manchester and jobs in construction and the operations of the arena creating £1billion of gross value added to the Manchester economy.
- The arena would be the most sustainable in Europe and bring new standards in customer hospitality;
- The events industry continues to show strong growth. The arena would bring new events to Manchester and enable the arena to bid for new events that would raise the profile of the city, attract more visitors and stimulate the economy further;
- The proposal fits in with the long term redevelopment plans for East Manchester. Since the commonwealth games the arena and the campus has continued to evolve. The area is identified as a leisure destination in the planning framework to support the 'continued social, economic and physical regeneration of East Manchester and ensure opportunities to employ residents from the local community. This proposal would attract further investment in residential, leisure and office development in the area and at the Etihad Campus;
- The proposal would have a direct impact on growth with the east corridor of the city. The area is thriving as a result of the interrelationship between the Etihad Campus, the city centre and the process of renewal and stimulation in the area;

- The proposal would bring local training and employment opportunities alongside its ambitions to be the most sustainable arena in the world. In these uncertain times the projects like this should be fully supported;
- Proposals such as this increase disposable income and further investment in the city;
- Promoters would continue to promote concerts at the Manchester arena and are excited about the plans for the new arena. Concerts at the Etihad Stadium have proven popular over the years and this proposal would benefit the music and entertainment culture of the city as well as benefit the local community. People travel from all over the north of England for concerts in Manchester and this proposal would add to that and spend in the city;
- The proposal would create 3000 plus jobs and 100 apprenticeships many of which would be local. Many more would benefit in the supply chain. There would be 1000 jobs created when the arena is operational at Manchester Living Wage and above and a further 1,400 supported in local bars, shops, restaurants, hotels and transport. Local residents would benefit directly and indirectly as a result of these proposals;
- The proposal would benefit the sports community who wish to hold world class sporting events in Manchester. Having the arena next to facilities such as the existing Tennis Centre allows the prospect of bringing Davis Cup, Fed Cup Finals or Laver Cup to the arena along with wrestling and netball;
- A technologically advanced and environmentally efficient arena would be welcomed by artists and their fans. The arena would be transformative both culturally and bring significant local economic benefits
- The proposal would complement the existing arena offer, growing their collective contribution to the city's economy. Two complementary arenas is a model proven in the UK and around the world with no evidence that competition causes closure;
- In the short term, the need for investment in the city is more acute due to coronavirus. The north can play a major role in the UK's recovery and this would require short term stimulus for long term productivity. This includes a pipeline of public and private shovel ready projects in the coming months and years. It is understood, that subject to planning approval, this project is ready to go and would bring significant investment and jobs as a result and would bring confidence to other major international investors that Manchester is an attractive place to invest;
- The proposals are impressive in terms of the quality of the venue proposed and the benefits for the city and Manchester position within the region, and globally, as a music and entertainment destination. The proposal would attract a wider variety of events and this would support culture in the city;
- The commitments around sustainability and jobs should be enforced to ensure the benefits are delivered and lead to the positive transformation of the area;
- The proposals would benefit the hotel and tourism industry in the city together with bars, restaurants and other hospitality particularly around Ancoats;
- The commitment to creating one of the most sustainable arenas in the world includes encouraging the use of public transport at the point of booking tickets. The development would support bus and rail friendly measures to ensure alternative modes are maximised. The arena would be within 20 minutes walking distance of one of the busiest rail stations in the country,

Piccadilly, and the estimated number of additional rail tickets being sold is 750,000. This would also boost northern England as a visitor destination appealing to visitors from across the region and beyond;

- The proposal would help attract domestic and international students to the city.

## Objections

7 objections were received from businesses to the first notification. 1 was from a business within the 7652 properties notified. 3 from other Manchester wards, 3 from outside of Greater Manchester.

The business objections can be summarised as follows:

- The transport information submitted is extensive but there are gaps in the assessment particularly in respect of traffic impacts;
- One of the busiest times for nearby businesses coincides with the network evening peak where there is a concentration of traffic movements at the junction of Gibbon Street and Alan Turing Way which would be at the same time as visitors would arrive for an evening event. This would be further compounded when a football event takes place at the same time and/or a matinee event. The Transport assessment does not include any assessment of the operation of the signalised junction at Alan Turing Way/Gibbon Street. The operational impacts on this junction are a concern;
- When a coincided event takes place the availability of car parking would be significantly reduced to just 500 spaces which could result in fly parking. Without proper management this would be an issue;
- The proposal would create a significant out of centre leisure arena in direct competition with city centre provision. The proposal would draw footfall and spend away from the city centre. The benefits of this proposal are substantially outweighed by the impact of the proposal on existing centre uses;
- The proposal contains a significant retail component (17,451 sqm retail, food and bars of which 7,530 sqm would be retail) which would become a destination in its own right in direct competition with the city centre;
- There is a lack of any retail impact assessment given the scale of retail floor space proposed which is contrary to national planning policy. The impact assessment focuses principally on the leisure offer;
- The retail would serve as a destination in its own right rather than being ancillary as is evident by the canal side kiosks and go beyond what was anticipated by policy EC7 and conflict with the city centre first policies of the Core Strategy;
- There is no consideration of consequential loss of trade, expenditure and footfall on the city centre as a result of people choosing to go to this new destination out of centre;
- There would be a displacement of jobs by those who already work in leisure and retail from the city centre to this out of centre location;
- There is market decline on the high street in the city centre and this proposal would further exacerbate this as well as the covid situation which has not

- been addressed by the submission. The impacts of the proposal should be viewed in the context of this ongoing pandemic;
- The proposal would have a significant detrimental impact on planned investment to further improve leisure provision within the city centre. If this proposal is to go ahead it would prevent the investment in the Manchester Arena which would put city centre businesses at risk;
  - The sequential test is inadequate, does not consider a more flexible format or scale and does not consider the disaggregation of uses with no sequential test looking specifically at accommodating the retail element only. In addition, it dismisses sites simply because they comprise two or more land ownerships which is wholly inappropriate given the scale of the development;
  - The sequential test has also not considered the ability of the existing arena to accommodate growth in market demand;
  - No review of the health of the city centre has been undertaken;
  - The proposal is a real threat to the viability of the existing Manchester arena which has consequences for the city centre;
  - The application is contradictory in that it states there has been limited growth in arena visitors over the past 10 years but predicts there is significant demand for two arenas;
  - The examples where two arenas exist is not comparable and the existing arena would need to be adapted in order to provide a complementary offer with the proposed arena;
  - The proposed arena would clearly draw events away from the existing arena as well as hosting events which cannot currently be accommodated;
  - If the arena was to close this would have consequential impacts on the beverage offer in the city centre as well as jobs;
  - Policy EC7 is not consistent with paragraph 23 and 31 of the NPPF which require policies to objectively assess need. When assessed against the development plan as a whole the proposal clearly conflicts with policy C1 and CC4 which together seek to direct leisure and retail uses to the city centre in line with the centre hierarchy and given it is the most sustainable location. Accordingly EC7 should be given limited weight;
  - The Eastlands Regeneration Framework should not be afforded any weight in the determination of this planning application;
  - Matters relating to accessibility, sustainability and highways have been overstated in this application and fails to accord with national town centre policies which should be afforded significant weight and should form the basis of this application being refused;
  - The proposal is of comparable scale and catchment to the Manchester arena, and its planned investment. It would therefore compete with the Manchester arena for events, draw trade away from the city centre and therefore have an adverse impact on the Manchester arena, other city centre venues and wider city centre vitality and evening economy;
  - The market demand for a new arena greatly overstates future market growth. Projections are selective and relies on growth from niche elements of the market. It also ignores flat growth in music events;
  - The projections are devoid of a credible evidential basis. Past growth has in fact been comparatively flat overall (0.3% growth per year on average over 2014-2018) and projecting forward on this basis results in only 5% overall

market growth by 2035 (as opposed to up to 150%), which plainly would not support two arenas.

- The forecast are overly optimistic and would not be sufficient to generate a commercial return for the proposed arena and the market will therefore need to be shared between the existing offer in the city centre and the proposed out-of-centre development, with associated detrimental impacts to the city centre. There is no account of the Covid 19 pandemic, which has already had a major impact on an already challenging city centre retail and leisure economy. In reality, the market in the short term at least, is likely to contract and not grow at all. Covid 19 has triggered a sharp recession and the effect of growing unemployment will inevitably lead to further reductions in expenditure as a result of falling disposable income.
- The projected growth demands for a second arena are based on overstated market growth forecast. For this reason, its analysis of impact on the city centre is flawed as it is wrongly predicated on the proposition that all impacts will be positive.
- Failure to consider the extent to which existing venues in the city centre can accommodate growth in market demand in more sequentially suitable, available and accessible alternative locations;
- The claim that the Manchester arena is operation at a 95% capacity utilisation are not correct and are misleading as the venue occupancy is only 42% with 58% of days currently available.
- There are claims that the Manchester arena misses out on events because it is inflexible, but this untrue as it already hosts a wide range of events of all types and configurations and is listed as one of the most successful venues in the world, surpassing venues in cities with much larger populations. The Manchester arena could readily accommodate additional growth in its current form and even more so through the planned investment by 2023, will introduce increased capacity and even greater flexibility of format to better attract an even wider range of events including niche markets;
- Market growth could also be accommodated within other existing and planned city centre venues. These planned investments would help ensure that future market growth can be accommodated and spend retained in the city centre, a preferable and more accessible location;
- All credible evidence demonstrates that market growth will be far lower than predictions, and consequently two large arenas of the same size and configuration, serving the same catchment, will not be able to viably operate. Manchester is already better served by entertainment venues compared to all other markets throughout the UK, and a second arena at Eastlands will simply take trade away from the city centre, conflicting with national and statutory development plan policies.
- The combination of a comparatively unsustainable location (by reference a city-centre location) together with limited and ineffective mitigation measures and proposals for travel demand management will lead to serve impacts on both the local community, the public transport network and the wider highway network.
- Combined event and matchdays, which are likely to occur between 10-15 times per annum, and which are inevitable given the combination of differing event types and the proximity of the two large arenas. This scenario will cause

additional and unsustainable pressure on the background highway and public transport use.

- The associated additional risks created in terms of safety are significant and unacceptable, with public transport and car parking deficits ultimately meaning that for many there are likely to be no logical options for travel to the venue. On combined event days this could lead to up to 20,000 spectators choosing to walk from/to the City Centre out of necessity, creating unacceptable risks in terms of pedestrian/vehicle interaction, crime and impact to other modes of transport, on which there is also heavy reliance (tram, car and bus.).
- The proposal has not adequately addressed the impact of the number of cars driving to and from the site on congestion, both within the areas immediately surrounding the site and beyond. Consequently, there is also no assessment of the potentially serious impact on emergency vehicle access. Increased road congestion is inevitable due to the lack of viable alternative transport options. This will negatively impact the ability of emergency service vehicles to quickly reach both the site and surrounding areas in case of an emergency;
- Mitigation proposals are minimal and unlikely to be effective in limiting the impacts on the local highway network and the wider community. Moreover, the TA makes a prior assumption that the mitigation measures will be successful without even attempting to demonstrate this, and on that basis includes adjusted mode splits at the outset of the work.
- Travel demand measures are predicated on these optimistic mode splits yet the physical limitations of the network, which are not taken into account, will mean they are unattainable. The heavy reliance on transportation demand management and adequate staffing to implement such strategies will not adequately mitigate impacts. Differences in demographics will also mean events will vary significantly in their mode splits and origin and destination profiles.
- The proposal is not in line with the TfGM 2040 transport strategy and fails to meet the requirements of paragraphs 108, 109 and 110 of the NPPF;
- The proposal does not support Manchester City Council's commitment to achieving a net zero carbon city by 2038. GHG emissions from transport in the climate change assessment have not been provided to support the application and are judged to be major-moderate adverse;
- The proposal would have access to 3,000 parking spaces encouraging the use of private car, which has substantially greater GHG emissions than mass transit modes (bus/tram/train) and walking or cycling;
- The proposal is heavily reliant on access by private car, and reducing car parking will only likely displace car trips to street parking, which will not reduce GHG emissions;
- There is a reliance on gas-fired technology for heating and cooking appliances is not consistent with areas identified for urgent policy action described in Manchester City Council's Climate Change Framework 2020-2025 and Draft Manchester Zero Carbon Framework 2020-2038, and will require replacement with zero-carbon technology before 2038 in order to achieve net-zero on-site emissions, a clear commitment to which has not been provided in the application.

## Second Notification

### Local residents/public opinion

#### Supports

2 Supports in total were received as a result of the second notification. 1 support was received from the 7652 properties which were directly notified about the planning application and 1 support was received from a property outside of Greater Manchester.

The local residents/public opinion supports can be summarised as follows:

- The proposal would bring jobs to this area. There are not many jobs in this area and no new firms coming opening. Covid-19 is also making this area worst by the minute. The arena should hire local people and support local businesses;
- City economies never stand still. Forward development requires growth not retrenchment. In the context of COVID and BREXIT, those cities that win will - because plenty will lose - will have demonstrated leaderships with vision, imagination and courage.

#### Objections

11 objections in total were received as a result of the second notification. 3 objections were received from the 7652 properties which were directly notified about the planning application. 1 objection was from other Manchester wards, 5 objections from other Greater Manchester Authorities and 2 objections from properties outside of Greater Manchester. 6 of these objections were from members of the public who made representations within the first round of notifications (1 from property another Manchester ward not notified about the application, 4 from Greater Manchester and 1 from outside of Greater Manchester).

The local residents/public opinion objections can be summarised as follows:

- Two 20,000-capacity arenas in Manchester are not sustainable. The number of events would mean that the people of Beswick would get no respite from traffic, noise, illegal parking and litter. And, critically, the coronavirus situation has profoundly affected the economic and entertainment landscapes. There do not appear to be any circumstances as of 2020 under which such a project should be allowed to proceed;
  - The only way the arena would work would be to encourage driving in from further distances. We should be encouraging less cars on the roads.
  - There should be support for small venues;
  - There are social already social behaviour issues from match/stadium events as well as traffic congestion;
- The Manchester Arena is a fantastic facility and is in a brilliant location; bringing custom to all the trade in the city centre;



- City of Manchester cannot sustain two arenas without having a detrimental affect on current businesses in Manchester city Centre. A new arena would also be detrimental to Manchester's ambition to reduce its carbon footprint.
- Alan Turing Way is a busy road. When a football match is on serious delays are caused on the A6010, Ashton Old Road, and Hyde Road. These delays are a hindrance to the everyday users of these roads. Visitors of the proposed arena will have no reason to use other routes than those which football supporters use. The arena would cause the same issues and would therefore be harmful to pedestrian and highway safety;
- The Manchester Arena has good transport links this proposal would not have the same level of connectivity.

## **Neutral**

1 neutral comment has been received from outside of Greater Manchester.

The neutral comment can be summarised as follows:

- There needs to be clear measures to deal with the additional traffic including road widening where necessary.

## **Businesses**

### **Supports**

16 Supports in total were received from businesses as a result of the second notification. 4 supports were received from businesses within the 7652 properties which were directly notified about the planning application. 8 supports were from businesses within other Manchester wards, 1 support from a business within another Greater Manchester Authority and 3 supports from businesses outside of Greater Manchester. 2 of these supports were from businesses who made representations within the first round of notifications (1 from a business from another Manchester ward and 1 from a business notified about the application).

The business supports can be summarised as follows:

- The proposals fit in with the long standing plans to renew East Manchester through sport and leisure development;
- The £350 million investment would benefit local employment and supply chains during the construction which is much needed during these uncertain times;
- As a result of this development, further development activity would be attracted to this development corridor connecting the Etihad Campus to the City Centre;
- The proposal would reinforce Manchester as the second city through the provision of a world class facility which would boost the City's profile nationally and internationally;
- The new arena will also contribute to regeneration. There will be thousands of jobs, many of which will go to local people, and there will be local contracts

- with local suppliers too. Both of these will increase local spend in the area benefiting local businesses who in turn would also employ more people;
- The arena would be energy efficiency and adopt environmental practices. The proposal would also promote active and environmental friendly travel including improving walking and cycling routes linking to the city centre;
  - The proposal would elevate Manchester as world leading sport and leisure destination with the Etihad Campus as a beacon of urban renewal combining economic growth local opportunity with zero carbon goals;
  - The proposal is aspirational and would attract more investment into the city along with the world's best events and acts;
  - The new arena will sell hundreds of thousands of extra tickets each year. This means more people coming to the city and spending money in bars, restaurants and hotel. This will be a good thing for our economy particularly given the economic impact of coronavirus;
  - The new arena will create thousands of jobs for people in and around East Manchester giving people more money in their pocket to spend locally;
  - A world-class arena suits the city's status as a world-class place of entertainment;
  - Two arenas attracting world-class events is good for Manchester's international profile and for the visitor economy. Analysis submitted as part of the application supports this. It shows that both arenas have the potential to attract more than two million visitors by 2035. And a survey on the new arena of people living within 90 minutes showed: 30% of people would probably stay overnight after a visit and 70% and 49% said they would spend money on food and drinks in the city (away from the arena) before and after events respectively. So two arenas will lead to more visitors spending more money in the city and staying in more hotel rooms across the city;
  - thousands of jobs the new arena will create during construction and operation and the new arena opening in 2023 will give Manchester a confidence lift at a time when it is needed most;
  - Two arenas would enable the city to potentially capture an additional 2.05 million annual arena visits to both venues by 2035. 30% would probably stay overnight after an event at the new arena and 70% would spend on food and drinks in the city before an event at the new arena, with 49% after. Visitors bring much needed expenditure for city centre shops, hotels, restaurants, clubs and bars alike to ensure Manchester remains a globally significant entertainment destination;
  - There would also be increased use of rail services within a 90 minute catchment. This in turn would result in more rail infrastructure investment in the north;
  - Sustainable transport would be promoted at the point of booking tickets and the arena would be in such close proximity to Piccadilly rail station (20-25 minute walk and 7 minute tram ride).

## Objections

3 objections in total were received from businesses as a result of the second notification within other Manchester wards. These 3 objectors all commented in the first round of notification.

The business objections can be summarised as follows:

- It remains unclear the exact amount of floorspace which would be used for Class A1 retail. Despite the disaggregation of figures provided, the trading potential has not changed and would therefore have a devastating impact on the City Centre and associated decrease in footfall. Justification for such a substantial amount of proposed Class A1 use is not evident in the submission; particularly if only intended for specialist retail such as merchandise;
- There are substantial areas of proposed retail, food and drink uses which would not be wholly ancillary to the proposed arena use as they would serve attendees of other entirely separate venues and events, unrelated to the predominant arena use;
- Substantial proportion of retail would be used on match days and other events by certain parties for purposes entirely unrelated to the arena use, in addition to the food and drink kiosks which will be publicly accessible daily, it is clear that not all the proposed retail uses will be ancillary to the proposed arena use;
- The proposal would create a substantial new leisure and retail destination for the wider city region in an out-of-centre location. This will result in direct competition with the City Centre and result in an associated decrease in footfall to the detriment of its vitality and viability;
- significant out-of-centre development incorporating a substantial A Class element, which would harm the vitality and viability of the City Centre contrary to Policy C9 (Out-of-Centre Development) and in turn, the position of the City Centre in the hierarchy, contrary to the overarching aim of Policy C1 (Centre Hierarchy) of the Core Strategy;
- There remains no assessment of potential sequentially preferable sites to accommodate the A Class element, including the kiosks which will be operated entirely independently of the arena;
- A Retail Impact Assessment is still not submitted in support of the application;
- Trading potential of the floorspace whether it is event day only or not needs to be quantified in terms of trade derivation (i.e. a retail impact assessment);
- No review of the health of Manchester City Centre has been made using such indicators as referred to in National Planning Practice Guidance.
- The applicant has given further consideration of part (a) of Paragraph 89 in considering a greater number of schemes, however this remains limited to assessment of investment into predominantly leisure and cultural schemes within the Regional Centre, and still does not consider the impact of the proposal on investment in existing, committed and planned retail schemes in the City Centre;
- Current levels of demand do not support two venues of this size and that unrealistic levels of growth would be needed for both to break even and cover investment costs;
- Brand new out-of-centre purpose built arena with greater capacity will clearly threaten the viability of the existing Manchester Arena, located within a far more sustainable location within the City Centre;
- Should Manchester Arena close, or indeed its operation considerably reduce as a result of the direct out-of-centre competition, footfall within the City Centre would be markedly decreased, and in turn the City Centre would suffer through consequential loss of associated spin-off benefits and expenditure

within the centre. This would have a detrimental impact on the vitality and viability of the City Centre;

- The proposed retail uses in this out-of-centre location clearly conflicts with Policy C1;
- There is available capacity in existing sequentially preferable venues in the city centre to accommodate market growth;
- There is no credible evidence to claim that market growth will double by 2035, let alone treble, as the latest submission claims, so as to justify the substantial volume of ticket sales and additional capacity which is proposed
- The case for a second arena is predicated on this unrealistic market growth forecast;
- Without such growth, the current large events market will be split between two venues and the proposal will therefore impact on Manchester Arena, on the vitality and viability of city centre and on planned investment, contrary to national and local planning policy;
- Manchester Arena planned investment is real and initial discussions about that investment predate any knowledge of the proposal to develop a second 23,500 capacity arena. There is commitment to deliver these proposals and is progressing currently with the required planning processes;
- Manchester currently has a city centre retail and leisure economy that is fragile, which would be supported by investment in the city centre which will underpin and accelerate economic recovery;
- Constructing a major city centre use 3 km outside of the city centre that will compete for and draw trade from the city centre, requiring customers to walk on routes which divert them away from the city-centre's retail and food and beverage offerings, will not secure these benefits and will have a detrimental impact on the city centre economy, contrary to national and local planning policy;
- Such a facility, with relatively limited public transport accessibility and reliance on customers walking from the city centre, will attract a higher split of car borne customers adding highways impacts and congestion;
- This will have related greenhouse gas emissions which have not been considered as a part of the applicant's Environmental Impact Assessment contrary both to the requirements of the EIA Regulations and MCC's commitment to zero carbon emissions by 2038;
- There are various statements, inconsistencies, and errors within the OVG submission, including about Manchester Arena;
- The market has to be big enough to support operating costs, capital maintenance and significant capital expenditure at a level not previously witnessed in this sector, which is not realistic or possible;
- Manchester Arena operates within a competitive market which, for large arenas, works at a regional level with competing facilities in other regional cities. There are claims that the market for large arena events will grow so significantly that all impacts on the city centre will be positive. However, historic growth has been very limited and, based on actual past trends, would project a far lower trajectory of growth (circa 5% by 2035), such that the market would need to be split if a second large arena were built serving broadly the same catchment, with resultant impacts on the existing facilities and planned investment in the city centre;

- A separate projection has now been provided drawn from the results of the survey which forecasts growth at even higher rates - now claiming the market will treble in size by 2035. This approach is not credible or reliable. This growth trajectory is however essential to underpin the applicant's case as, without it, a second large arena will generate significant adverse impact on Manchester Arena and thus have an adverse impact on the city centre.
- These projections use a flawed methodology and makes unjustified assumptions, predicts the market for ticket sales will triple by 2035, adding 2.29m additional ticket sales by 2035;
- No account of the impact of Covid 19 on growth forecasts and the potential for market contraction, at least in the next one or two years;
- Whilst there is potential for some market growth in the future, there is no credible basis for such bullish forecasts. There is already capacity in existing city centre venues in sequentially preferable locations, to meet the forecast growth to 2035 and beyond;
- The Manchester Arena catchment area is already better served in terms of arena seats per population than any other UK catchment;
- It is speculation that in 2035 circa £3m could be drawn from the city centre in terms of lost trade from city centre bars and restaurants, but this is a figure without evidential basis and is manifestly far too optimistic;
- The applicant's projection of the market doubling (or indeed tripling) in size is a forecast position by 2035, which is fully 12 years after the proposed opening date for the new arena. The online Planning Practice Guidance (PPG) for applying the impact test for out of centre development, however, sets out that the applicant should focus on impact in the first five years, as this is when most of the impact will occur;
- The applicant portrays Manchester Arena's contribution to the city as eroding over the years and, whilst ticket sales have broadly been flat over the last 10 years, this is reflective of the UK and Manchester markets for large events over that period. The Manchester Arena nevertheless makes a significant economic contribution to the city centre;
- The planned investment of up to £100m in the Manchester Arena would provide a critical boost in the city centre, precisely where and when investment is needed most, repurposing and maximising its contribution to the city centre economy just as the city seeks to recover from the current pandemic;
- Investment in the Manchester Arena is directly threatened by the proposal. If approved and built, with events shared across two large arenas serving the same catchment, it would not be possible to generate a return on this critical investment in the city centre;
- If ultimately the shared market rendered Manchester Arena unviable, and forced it to close, it would create a long-term white elephant and block the city centre's growth to the surrounding regeneration areas. There could be no short-term reinvention of the arena site as it is committed to a 25 year lease which underpins the value of the wider complex and, with the anchor removed, there would be no economic justification for the landlord to progress a redevelopment scheme. Closure would lead to a major reduction in footfall to this part of the city centre and would have a significant impact on the city centre.

- The proposal relies heavily on travel by car. It ignores the related carbon emissions altogether and over-estimates the modal split expected by customers using public transport.
- These factors undermine the impacts on the wider highway network (there is still no assessment of impact on the north east quadrant of the M60 for example), on likely congestion in East Manchester, on car parking and on greenhouse gas emissions, contrary to MCC's zero carbon commitment by 2038.
- The scheme is heavily reliant on encouraging public transport use but there is little available capacity and so the majority of customers would need to walk circa 3 km from train stations or car parks in the city centre out to the proposed site, a particular difficulty for customers with accessibility requirements.
- The submission includes no analysis of whether car parking is available in the city centre or outside of the proposed controlled parking zones either generally or on nights when the city hosts multiple events (ie football + 2x arena etc). Neither is it clear how the CPZs would be delivered or their likely effect;
- The proposed development does not accord with the statutory development plan when read as a whole. In line with the NPPF, the plan seeks to protect the city centre and focus major development within it. In relation to regeneration at Eastlands, it promotes major development that complements the offer in the city centre.
- The application is for a second large arena of similar size, configuration and attributes that will compete directly with the existing arena in the city centre for broadly the same regional catchment. The applicant forecasts that this second large arena will be wholly beneficial in terms of economic growth at Eastlands for the city centre and for the wider city region, forming a critical component for economic recovery following the coronavirus pandemic. This is reliant on a market growth forecast that lacks evidential credibility and must be thoroughly and independently tested, because the trajectory drawn from past activity over the last ten years forecasts a relatively flat growth for events of circa 0-5% over the same timeframe and, without doubling or trebling the size of the market, large events will essentially be split between the two venues with resultant impacts in a scenario which the applicant has not assessed;
- There has been no assessment of the ability of the existing capacity in existing venues (including at Manchester Arena) to accommodate market growth in more sustainable city centre locations and, for the reasons set out above, the implication of splitting events between the venues will therefore lead to trade being drawn away from the city centre to a far less sustainable location and impacting on the city centre and planned investment;
- Substantial weakening of Manchester Arena's trading position would lead to a significant adverse impact on the future operation of city centre venues and undermine its planned investment to refurbish the facilities, which seeks to provide a market-leading interactive customer experience as a key city centre attraction.

**Graham Stringer MP (Blackley and Broughton)** Manchester's long term interests would be served by this investment taking place in East Manchester. If this planning application is denied those that would benefit would be London and Birmingham. It

remains unclear the effects on Manchester, and the country, as a result of the Covid-19 crisis but it is already evident that the city will be less affluent and people will lose their jobs and some businesses will close.

The arena would could create 3350 jobs and 100 apprenticeships in construction plus 100 new jobs when the arena is open. This would help alleviate this situation and create many more jobs within the supply chain and services both during construction and the operational phase.

The evidence suggests Manchester can support two arenas and there are no examples of where an arena had to close simply because of competition. Indeed, the Manchester Arena has announced much needed new investment.

Manchester needs this investment more than ever and the project should get planning permission.

**Andrew Gwynne MP (Denton and Reddish)** wholeheartedly supports this exciting proposal for a new arena at the Etihad Campus. There is a looming unemployment crisis. Prior to the coronavirus outbreak, 1,985 people in this constituency were claiming unemployment benefits. By July, this figure had almost doubled to 3,395, some 7.2% of the working age population. 20% of these claimants were aged between 18-24. A further 13,400 people in the constituency have been furloughed (almost a third of the workforce) and around 3,000 residents have made claim under the self-employment income support scheme.

Now is the time to drive job creation. Now is the time to support those acting that great Manchester tradition of generating wealth which the Council and its partners can redistribute to benefit people in communities. Now is the time to wholeheartedly back projects like the proposed arena.

The proposal would see almost £300 million of private investment enter the construction supply chain, creating 3000 plus jobs and involving 70 companies. There would be training for 100 apprentices and trainees, encompassing 2,800 apprenticeship and trainee weeks during the construction. The applicant has committed to pay the Manchester Living Wage recruiting as many people locally as possible. This would ensure the impact on the investment is captured by local residents and the wider East Manchester area. There would also be 1,000 new jobs created once the proposed arena is operational.

East Manchester has transformed and this proposal would continue that renewal, building on world class sports facilities with a world class leisure facility and creating much needed employment at a pivotal moment.

**Highway Services** consider the site to be suitably accessible by sustainable modes including tram, rail and bus for the use proposed. The fundamental approach is to maximise the sustainability of the campus and Highways support this in principle subject to a detailed operational management plan to manage coincided events and access and egress around the campus. The improvements to the pedestrian environment in and around the site and campus are welcomed. Servicing

arrangements have been demonstrated to be acceptable and a management plan agreed as part of the conditions.

To further discourage car trips to the proposed arena additional strategies are proposed including introduction of an all-days Residents' Parking Zone (RPZ) and pre-booking of on-site spaces which are released shortly before event. The extended RPZ is welcomed as residential streets will be protected and the proposed restrictions would further encourage sustainable travel to/from the arena. A car parking and coach management plan should be agreed as part of the conditions.

A staff travel plan should be developed and should form part of the conditions of the approval.

The existing Rowsley Street taxi rank would be extended back to Philips Park Road. A 1-way system and marshals are proposed to maximise efficiency of the area. The operational management plan should accommodate the needs of disabled visitors.

A special events operations strategy should be agreed for coincided events and this should consider and review demand for public transport.

Variable message signs (VMS) are required in additional locations to be agreed. The offsite highways works to gate 1, emergency access and widening and improvement to Sportcity Way are acceptable.

240 cycle spaces are proposed which is acceptable.

The traffic modelling and conclusions drawn regarding the impact of the development on the transport network are acceptable. The proposed operational transport plan would be key to ensuring the proposed stadium in conjunction with the MFCF football stadium operates as efficiently and safely as possible.

A construction management plan should be agreed.

**Transport for Greater Manchester (TfGM)** are satisfied with the conclusions drawn regarding the impact of the development on the transport network. The proposed operational transport plan would ensure the arena could operate as efficiently and safely as possible in conjunction with the MFCF football stadium. TfGM would work with the applicant along MCC and MFCF to manage the transport operations.

It is recommend that the traffic signalised junction at Alan Turing Way/Stadium Way is modified to make it more capable of dealing with large numbers of pedestrians before and after events. Mitigation to walking and cycling would make this more convenient and give more confidence. Additional VMS have been proposed and should be conditioned.

**Metrolink** No objections subject to conditions to agree working methods in close proximity to the tram line, together with travel and crowd management at the Etihad tram stop and consideration of the lighting at the arena on the tram line.



**Environmental Health** Deliveries should be restricted to 07:30 to 20:00. Further details are required for the fume extraction for the kitchen areas. The operating hours shall be agreed. The lighting scheme has been designed to minimise the impact on the nearest residential properties. A verification report should be provided in this regard once the installation is complete. It has been demonstrated that noise outbreak from the premises would not have a detrimental impact on nearby residents. The plant has yet to be selected and further details would be required in this regard.

The ground condition desk top study and initial site investigation is acceptable. Further details, a remediation strategy and a verification report are required regarding gas monitoring. The impact on air quality would be negligible due to the loss of the existing car park together with the implementation of the travel plan.

**Flood Risk Management Team** The drainage strategy should be agreed with a verification report provided on completion

**Environment Agency** There is a long history of industrial land uses at the site which pose a risk to aquatic environment with the site being in a sensitive location between the secondary aquifers (bedrock and superficial) as well as being located between the Ashton Canal and the River Medlock. A suitable remediation strategy should be agreed together with post work verification. In addition, there shall be no use of infiltration and pilin methods shall be agreed. The site does not pose any unacceptable flood risk or lead to an exacerbation of flooding elsewhere.

**United Utilities** A drainage scheme shall be agreed which incorporates the sustainable drainage principles into its design.

**Neighbourhood Services (Trees)** No objection subject to further consideration of trees within the ground rather than planters and relocation of the lime trees to Alan Turing Way.

**Works and Skills Team** A local labour agreement should be agreed for both the construction and end use phase of the development.

**Greater Manchester Ecology Unit (GMEU)** No protected species have been identified at the site. Any vegetation clearance should avoid bird nesting season.

The Ashton Canal must be protected during construction works and future drainage schemes should not impact on this area. The lighting should not impact on the canal. There have been no invasive species recorded. Biodiversity improvements should be secured through the landscaping scheme.

**Natural England** No objections as the proposal would not have significant adverse impacts on statutorily protected nature consideration sites or landscapes.

**Greater Manchester Archaeology Advisory Service (GMASS)** No archaeological works are required as part of this development.

**Historic England** No comments to make.

**Design for Security at Greater Manchester Police** The recommendations of the Crime Impact Statement should be implemented in full.

**Canal and River Trust** Works in close proximity to the canal should be considered and agreed by a method statement to prevent impacts from dust, debris and leakages. The development is likely to impact on the listed locks and canal corridor with harm to the setting of both locks 6 and 7. Whilst the arena would bring natural surveillance to the canal, management arrangements should deal with litter and waste management to minimise impacts on the canal. A landscape management plan should ensure the green screens and landscaping is retained in optimum condition. Careful consideration should be given to the lighting particularly the impact on the canal corridor. Welcome the recognition that the canal towpath would see increased usage which should be secured by an appropriate mechanism. There should be no surface water discharge into the canal.

**Network Rail** There would be an uplift in usage of Ashbury Station and therefore improvements should be made with regards to accessibility and security.

**Sport England** No comments.

**The Coal Authority** Works to the coal seams is acceptable subject to verification of the work before foundation works start on the arena.

**Aerodrome Safeguarding** No safeguarding objections subject to a condition relating to the lighting of the building. An informative should also be imposed highlighting requirements in respect of use of cranes at the development.

**Tameside Metropolitan Borough Council** No comments.

**Oldham Metropolitan Borough Council** No comments.

**Land Interest** Members are advised that the City Council has an interest in the application site as landowner and are therefore reminded that they must disregard this and exercise its duty as Local Planning Authority only.

## **Policy**

### **The Development Plan**

The Development Plan consists of:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy Development Plan Document 2012 -2027 is the key document in Manchester's Local Development Framework. It sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

### **Manchester Core Strategy Development Plan Document (July 2012)**

The relevant policies within the Core Strategy are as follows:

**SO1. Spatial Principles** – This is a strategic Regional Centre site and within the Eastlands Strategic Employment Location. The proposal would provide a modern arena at the Etihad campus alongside the cluster of sporting and entertainment facilities and public transport infrastructure in the form of tram, rail and buses. The development would support economic growth and job creation through the provision of a high quality entertainment building within a highly sustainable location.

**SO2. Economy** – A high quality entertainment offer in this sustainable location would support the economic growth of the city. It would support local employment during the construction and operational phases and offer the most up to date facilities in the entertainment industry within an area where change and growth is encouraged.

**SO6. Environment** – The development would be low carbon and highly sustainable using up to date energy efficiency measures in the fabric and construction of the building. Solar panels would create clean energy and landscaping would deliver air quality, biodiversity and drainage benefits. The development is supported by a travel plan and cycle provision would be enhanced at the campus. There would be no on site car parking provision created other than access, on a pre-booked basis, to the existing surface level car parks at the campus and 240 cycle spaces would be provided alongside existing provision at the campus. A car parking strategy would be agreed in order to make use of the existing surface car parking associated with the Etihad Campus this would also include a strategy for ensuring adequate provision is available for disabled spectators. Spectators who are disabled would park principally the north car parks, where existing bays are demarcated.

**Policy SP1 ‘Spatial Principles** – The proposal would have a positive impact on economic growth and entertainment/cultural provision in a highly sustainable location. The building would provide a high quality addition to the Etihad Campus.

**Policy EC1 ‘Employment and Economic Growth in Manchester’** – This major leisure facility, in an area designated as such in policies EC3 and EC7, would bring economic growth and jobs to one of the city’s key regeneration areas.

**Policy EC3 ‘The Regional Centre’** – - The proposal would provide a modern and state of the art entertainment building close to all forms of sustainable transport. It has been demonstrated that there are no sequentially preferable or suitable City Centre, edge of centre or other out of centre locations for the this large scale leisure use, in accordance with policies C1 and C9. This site is previously developed, well

connected to the city centre, and would complement the Eastlands Strategic Employment allocation.

**Policy EC5 ‘East Manchester’** – The proposal would provide a major leisure facility within East Manchester and align with the objectives of this policy. The proposal would bring economic growth and job creation. The site is well connected to sustainable transport and the proposal would improve key links, particularly along the Ashton Canal.

**Policy EC7 ‘Eastland’s Strategic Employment Location’** – This site provides an opportunity for a major leisure, recreation and entertainment visitor attraction of national significance. This 23,500 capacity, state of the art, highly sustainable, low carbon, arena with an iconic design would integrate successfully with the buildings and uses at the Etihad Campus. The proposal would include ancillary retail and commercial uses which support the arena use and this is supported by this policy. The proposal would support the regeneration of Eastlands and provide significant investment and job creation during construction and in operation. Public realm would enhance the Ashton Canal and improve connections to the wider campus.

**Policy CC5 Transport** – The site is highly sustainable and accessible location within a 25 minute walk of the city centre, 8 minute tram ride to the city centre from the Etihad tram stop (and beyond) with access to a range of walking and cycle routes and bus corridors. 240 secure cycle spaces are proposed which would be provided across the campus with improvements to the principal walking routes along the canal, City Link and Ashton New Road. A travel plan would be put in place with an operational plan which would mitigate the impacts of the arena and stadium when they are in use on the same day.

**Policy C1 ‘Centre Hierarchy’** – The site is a ‘main town centre use’ proposed in an ‘out of centre’ location. The impacts and appropriateness of this is considered in detail within the main report.

**Policy C2 ‘District Centres’** – The development is located near to the Eastland’s district centre. The district centre is likely to benefit from linked trips which would support the overall vitality of the centre.

**Policy C9 ‘Out of Centre Development’** - The arena is a main town use and whilst the Regional Centre (and the Eastlands Strategic Employment Location) outline scope for large scale leisure uses to be located in this area, the site is nonetheless considered to be an ‘out of centre’ location. A sequential test has demonstrated that there are no suitable, available or viable sites for this development. This is considered within the main report together with the benefits and potential impacts on the city centre and the commercial activities located in it including the effect upon the Manchester Arena.

**Policy T1 ‘Sustainable Transport’**- The site is close to sustainable transport infrastructure. A travel plan would encourage pedestrians from the city centre to use enhanced walking routes on Ashton New Road, Citylink and Ashton Canal. Cycling storage would be enhanced across the Etihad Campus. The travel plan would consider how tram, rail and buses can be used to best effect, particularly on arena

and stadium event days and the RPZ would be expanded and enhanced. No onsite parking would be provided with the overall objective being to reduce car journeys to the arena and the campus.

**Policy T2 ‘Accessible Areas of Opportunity and Need’** – The site is in the Regional Centre and the Eastlands Strategic Employment Location. These areas have been identified for future growth and development in part due to their sustainable transport nodes and connections to the city centre and main transport hubs. A travel plan would enhance connections and improve accessibility to infrastructure, the RPZ would be expanded/enhanced and walking routes from the City Centre and along the Ashton Canal would be improved. These interventions would be minimise the use and reliance on the car and ensure visitors to the arena take advantage of the sustainable location and variety of other transport measures on offer in this location.

**Policy EN1 ‘Design Principle and Strategic Character Areas’** - This high quality scheme would enhance the regeneration of the area, the strategic road network and with Etihad Campus. Landscaping and public realm would improve connections to the campus and the interface with the Ashton Canal.

**Policy EN2 ‘Tall Buildings’** – The proposal would fit suitably with the existing and emerging context of the Etihad Campus. A townscape and visual impact assessment has considered the impact of the proposal on local and wider views.

**Policy EN3 ‘Heritage’** - The impact on the historic environment would be acceptable. There are 8 listed buildings and two registered parks (Philips Park and Philips Park Cemetery) nearby. These impacts are considered in the report.

**Policy EN4 ‘Reducing CO2 Emissions by Enabling Low and Zero Carbon Development’** – The proposal aims to be one of the most sustainable UK venues and amongst the world leading venues. A highly efficient building envelope coupled with a predominately electric system, renewable energy sources and a long term commitment to reducing carbon (as technology improves and the grid decarbonises) would ensure that the building successfully addresses this policy.

**Policy EN5 ‘Strategic Areas for Low and Zero Carbon decentralised energy infrastructure’** - The building fabric would be highly efficiency with air source heat pumps and solar panels providing onsite renewable energy. It has been demonstrated that the building can be adapted in the future as technology changes.

**Policy EN6 ‘Target Framework for CO2 Reductions from Low or Zero Carbon Energy Supplies’** – Carbon saving measures have been incorporated into the building in the form of air source heats pumps and solar panels. The proposal would exceed Part L 2010 equivalent to 42.8%, which is 27.8% beyond the requirements of policy EN6.

**Policy EN8 ‘Adaptation to Climate Change’** – The building would be a state of the art facility and would be one of these most sustainable arenas in the country. The building would be low carbon and predominately electric (with possibility of an entire electric solution in the future). As the grid decarbonises, the level of carbon

produced by the building would decrease over its lifetime. The building fabric would be highly efficient and solar panels to the roof would generate energy from renewable sources. Green infrastructure improvements, sustainable drainage, biodiversity improvements and green travel planning would ensure that the development is highly sustainable and low carbon with the ability to be adapted further as part of future technological advances.

**Policy EN9 ‘Green Infrastructure’** – Soft Landscaping, trees, green screens and new public realm would mitigate against the loss of trees and other vegetation at the site and enhance biodiversity and the interface with the Ashton Canal.

**Policy EN14 ‘Flood Risk’** - A scheme to minimise surface water runoff would be agreed and the proposal would not increase flood risk at the site or elsewhere.

**Policy EN15 ‘Biodiversity and Geological Conservation’** – The site is low quality scrub land with limited quality vegetation. The tree planting, soft landscaping and green screens would improve biodiversity.

**Policy EN16 ‘Air Quality’** – The site is located in the Air Quality Management Area (AQMA). The impacts from the construction can be managed through measures secured through the construction management plan. The operational effects would be negligible due to the loss of car parking and the travel plan which seeks to encourage walking, cycling and the use of highly sustainable connections to the city centre and beyond through trams, bus and rail.

**Policy EN17 ‘Water Quality’** – The proposal would not lead to any flooding risks and a drainage scheme would deal with surface water run off whilst minimising any risks to the Ashton canal. The proposal includes water saving measures.

**Policy EN18 ‘Contaminated Land and Ground Stability’** - The ground conditions, together with previous coal mining activity, are not unusual for the location given known previous land uses and can be adequately dealt with.

**Policy EN19 ‘Waste’** - Recycling principles are incorporated in a waste management strategy which would ensure that external areas and routes are cleaned after events.

**PA1 ‘Developer Contributions’** – Mitigation through, a legal agreement, would review and expand the RPZ, secure improvement to walking routes from the city centre, agree a strategy for the operational impacts of an arena and stadium event and commitment to local labour.

**Policy DM1 ‘Development Management’** - Careful consideration has been given to the design, scale and layout of the building in order to minimise impacts on residential and visual amenity together with ensuring that the development meets overall sustainability objectives.

**Policy DM2 ‘Aerodrome Safeguarding’** – There are no aerodrome safeguarding implications as a result of this development.

For the reasons given above, and within the main body of this report, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

### **The Unitary Development Plan for the City of Manchester (1995)**

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

**Saved Policy EM11 ‘Sportcity’** – The proposal would support the creation of a cluster of sporting and commercial activities within a world class sporting and leisure destination in East Manchester.

**Saved Policy E3.3 ‘Environmental Improvement and Protection’** – The proposal would provide a high quality and innovative building on Alan Turing Way. It would add to the cluster of iconic sporting and leisure buildings at the Etihad Campus.

**Saved Policy DC10 ‘Food and Drink’** – The proposal would be supported by ancillary food and drink offer which would principally be used in association with the arena. Canal side kiosks, totalling 233 sqm, would offer food and beverage to visitors to the campus when the arena is not in use. The offer would complement the facilities at the Etihad Campus, as directed by other policies within the development plan which seek to support ancillary facilities such as this at the campus. The proposal is sufficiently separated from nearby residential properties to prevent any impacts on amenity. Planning conditions would be used to control hours, fumes and waste management in line with this policy.

**Saved Policy DC19 ‘Listed Buildings’** – There are listed buildings nearby and the impact of the development on these heritage assets has been carefully considered.

**Saved Policy DC26 ‘Noise’** – An assessment of noise outbreak on nearby buildings has been undertaken. The building can be insulated to prevent harmful impacts on surrounding residential amenity. Noise external to the building would be commensurate with the activities of the campus.

For the reasons given above, and within the main body of the report, it is considered that the proposal is consistent with the remaining saved policies contained within the UDP.

### **Other material policy considerations**

#### **The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)**

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles,

appropriate waste management measures and environmental sustainability.

Sections of relevance are:

- Chapter 2 'Design' – outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment;
- Paragraph 2.7 states that encouragement for "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified form which blends in with, and links to, adjacent areas.
- Paragraph 2.8 suggests that in areas of significant change or regeneration, the future role of the area will determine the character and design of both new development and open spaces. It will be important to ensure that the development of new buildings and surrounding landscape relates well to, and helps to enhance, areas that are likely to be retained and contribute to the creation of a positive identity.
- Paragraph 2.14 advises that new development should have an appropriate height having regard to the location, character of the area and specific site circumstances. Although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.
- Paragraph 2.17 states that vistas enable people to locate key buildings and to move confidently between different parts of the neighbourhood or from one area to another. The primary face of buildings should lead the eye along important vistas. Views to important buildings, spaces and landmarks, should be promoted in new developments and enhanced by alterations to existing buildings where the opportunity arises.
- Chapter 8 'Community Safety and Crime Prevention' – The aim of this chapter is to ensure that developments design out crime and adopt the standards of Secured by Design;
- Chapter 11 'The City's Character Areas' – the aim of this chapter is to ensure that new developments fit comfortably into, and enhance the character of an area of the City, particularly adding to and enhancing the sense of place.

### **Manchester Green and Blue Infrastructure Strategy 2015**

The Manchester Green and Blue Infrastructure Strategy (G&BIS) sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:



By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

### **Eastlands Regeneration Framework – 2019 Update (Draft)**

The Eastlands Regeneration Framework (ERF) was originally endorsed by the City Council in 2011 and helped to guide development activities in East Manchester. The document was revised in 2017 and a further draft for consultation document was published in 2019.

The key aim of the documents has sought to outline the environmental, social, design and economic objectives for the regeneration of East Manchester as part of implementing the planning policies within the Core Strategy.

The ERF is not a planning policy document, has not been adopted and therefore carries little, if any, weight as a material consideration in determining this planning application.

However, it contains useful information in understanding how the area has changed together with current thinking and aspirations for the future of East Manchester as part of supporting economic growth, particularly at the Etihad Campus and its environs, in order to create a globally competitive sport, leisure and recreational destination for the city over the next decade and beyond.

The 2019 draft ERF was presented to the Council's Executive Committee in March 2019 for consultation. Whilst consultation took place in July 2019, with the Executive resolving to adopt the document subject to certain matters being addressed, the document has not, however, been adopted by the City Council and has no status as policy therefore.

Nevertheless, the 2019 draft ERF provides some key principles for consideration. In particular, the draft outlines the next phases of development activity including capturing the eastwards expansion of the city centre towards the Etihad Campus.

A series of zones have been identified and the application site falls within the 'Etihad Campus Commercial Zone'. The draft document outlines that the purpose of this zone is to maximise the destination role of the Etihad Campus and drive investment and job creation not only for East Manchester but the City as a whole.

The document also highlights, and underpins the requirements of policy EC3 and EC7 of the Core Strategy, the aspiration of diversifying the offer at the Etihad Campus by providing a leisure and recreational offer which would further drive forward the regeneration of the area and create local employment opportunities in a highly sustainable location due to transport and pedestrian links.

As detailed above, on the basis the ERF update has not been adopted, it carries little, if any, weight as a material consideration in the determination of this planning application.

### **Manchester Strategy (January 2016)**

The strategy sets the long term vision for Manchester's future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre.

The vision for Manchester to be in the top flight of world-class cities by 2025, when the city will:

- Have a competitive, dynamic and sustainable economy that draws on our distinctive strengths in science, advanced manufacturing, culture and creative and digital business- cultivating and encouraging new ideas;
- Possess highly skilled, enterprising and industrious people;
- Be connected, internationally and within the UK;
- Play its full part in limiting the impacts of climate change; and
- Be clean, attractive, culturally rich, outward-looking and welcoming.

### **National Planning Policy Framework (2019)**

The revised NPPF adopted in July 2018 and re-issued in February 2019 states that the planning system should contribute to the achievement of sustainable development. It clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). In order to achieve sustainable development, the NPPF states that the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 6 '*Building a strong and competitive economy*' states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities

for development (paragraph 80). This major leisure, recreation and entertainment visitor attraction would integrate successfully with the buildings and uses at the Etihad Campus. It would support the regeneration of Eastlands and provide significant investment and job creation during construction and in operation.

Section 7 '*Ensuring the vitality of Town Centres*' states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (paragraph 85).

A sequential test should be applied to planning applications for main town centre uses which are not in an existing centre. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered (paragraph 86).

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (paragraph 87).

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme) (paragraph 89)

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused (paragraph 90).

This is a 'main town centre use' in an 'out of centre' location. The site is near to the Eastlands district centre and linked trips which would support the overall vitality of the centre. The Regional Centre and the Eastlands Strategic Employment Location outline scope for large scale leisure uses in this area but it is considered to be an 'out of centre' location. A sequential test has demonstrated that there are no suitable, available or viable sites for this development.

Section 8 '*Promoting Healthy and Safe Communities*' states that *planning policies and decisions should aim to achieve healthy, inclusive and safe places* (paragraph 91).

The proposal has been carefully designed to be safe and secure. An operational management strategy would include crowd management measures, particularly when a stadium event is taking place. The arena would be fully accessible with a clear disabled parking and movement strategy.

Section 9 '*Promoting Sustainable Transport*' states that '*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health*' (paragraph 103).

In assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (paragraph 108).

Developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109).

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. (paragraph 110)

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a

transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111).

The site is well connected to a range of public transport modes which would encourage sustainable travel to the campus. There would be no unduly harmful impacts on the traffic network with physical and operational measures put in place to promote alternative non car travel to the site. A travel plan and operational management would be secured as part of the conditions of the approval.

Section 11 '*Making effective use of land*' states that '*planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*' (paragraph 117).

Planning decisions should:

- a) encourage multiple benefits from urban land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land. (paragraph 118)

Decisions should support development that makes efficient use of land, taking into account: the identified need for different forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. (Paragraph 122)

The site is close to sustainable transport infrastructure. A travel plan, together with enhancement measures, would encourage pedestrians to use walking routes from the city centre on Ashton New Road, Citylink and Ashton Canal. Cycling storage would be enhanced across the Etihad Campus. The travel plan would also consider how tram, rail and buses can be used to best effect, particularly on arena and stadium event days, together with enhancements and expansion to the RPZ. No onsite parking would be provided, but the arena would make use of existing surface car parks as part of the overall sustainable transport strategy, with the overall objective being to reduce car journeys to the arena and the campus.

Section 12 '*Achieving Well Designed Places*' states that '*the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this*' (paragraph 124).

Planning decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (paragraph 131).

The arena design would be highly innovative and would complement the existing architecture and cluster of sporting buildings at the Etihad Campus. The arena would be designed to a high level of sustainability resulting in a low carbon building and biodiversity and water management measures included within the public realm.

Section 14 '*Meeting the challenge of climate change, flooding and coastal change*' states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 148).

The arena building fabric would be highly efficient and it would predominately use electricity. The proposal would also include a photovoltaic array which would generate energy at the site from renewable sources. The landscaping scheme would include trees, planting, green screens and wildflower meadow to the Ashton Canal. Efficient drainage systems would manage water at the site.

Section 15 '*Conserving and Enhancing the natural environment*' states that planning decision should contribute and enhance the natural and local environment by protecting valued landscapes, minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of sol, air, water or noise pollution or land instability and remediating contaminated land.

The site would be remediated and mitigated to deal previous coal mining activity. The high performing fabric of the building would ensure no unduly harmful noise outbreak on the local area. Landscaping, tree planting and wildflower meadows would provide new habitats and biodiversity improvements.

Section 16 '*Conserving and enhancing the historic environment*' states that in determining applications, Local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 189).

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness. (Paragraph 192)

In considering the impacts of proposals, paragraph 193 states that the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

The proposal would result in some low level harm to the surrounding historic environment. This low level harm is considered to be less than substantial and outweighed by the significant regeneration benefits associated with this development.

Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

### **Planning Policy Guidance (PPG)**

The PPG provides additional guidance to the NPPF and the following points are specifically highlighted.

*Town Centre and Retail* provides guidance on sequential tests and impact tests. Paragraph 11 provides a checklist with regards to the considerations that should be taken into account in determining whether a proposal complies with the sequential test. The checklist within the PPG is as follows:

- Due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposal and of potentially suitable town or edge of centre sites should be taken into account.

Compliance with the sequential and impact tests does not guarantee that permission will be granted – all material considerations will need to be considered in reaching a decision.

Paragraphs 17 and 18 provides details on the use of impact tests in decision making.

The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. Details are provided on steps to consider when applying an impact test:

- Establish the state of existing centres and the nature of nature of patterns (base year);



- Determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur;
- Examine the 'no development' scenario;
- Assess the proposal's turnover and trade draw;
- Consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities
- Set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues
- Any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres

*Air Quality* provides guidance on how this should be considered for new developments. Paragraph 8 states that mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation where the relevant tests are met.

Examples of mitigation include:

- the design and layout of development to increase separation distances from sources of air pollution;
- using green infrastructure, in particular trees, to absorb dust and other pollutants;
- means of ventilation;
- promoting infrastructure to promote modes of transport with low impact on air quality;
- controlling dust and emissions from construction, operation and demolition; and
- contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.

*Noise* states that local planning authorities should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

*Design* states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

*Health and wellbeing* states opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces and opportunities for play, sport and recreation);

*Travel Plans, Transport Assessments in decision taking* states that applications can positively contribute to:

- encouraging sustainable travel;
- lessening traffic generation and its detrimental impacts;
- reducing carbon emissions and climate impacts;
- creating accessible, connected, inclusive communities;
- improving health outcomes and quality of life;
- improving road safety; and
- reducing the need for new development to increase existing road capacity or provide new roads.

### **Other legislative requirements**

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and case law has considerable importance and weight should be given to any impact upon a designated heritage asset but in particular upon the desirability of preserving the setting with a strong presumption to preserve the asset.

S149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and

other conduct prohibited by the Act. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### **Environmental Impact Assessment**

The applicant has submitted an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and has considered the following topic areas:

- Construction management and phasing;
- Air quality and dust;
- Ground conditions;
- Lighting;
- Townscape and visual impact;
- Noise and vibration;
- Socio-economic;
- Traffic and transport;
- Water quality, drainage and flood risk;
- Wind microclimate;
- Climate change; and
- Cumulative effects.

The Proposed Development is an “Infrastructure Project” (Schedule 2, 10 (b)) as described in the EIA Regulations. The Site covers an area of approximately 4.46 hectares and exceeds the threshold of 1 hectares of development which is not a dwellinghouse. An EIA has been undertaken covering the topic areas above as there are judged to be significant environmental impacts as a result of the development and its change from the current use of the site as a car park.

The EIA has been carried out on the basis that the proposal could give rise to significant environmental effects.

In accordance with the EIA Regulations, this ES sets out the following information:

- A description of the proposal comprising information about its nature, size and scale;
- The data necessary to identify and assess the main effects that the proposal is likely to have on the environment;
- A description of the likely significant effects, direct and indirect on the environment, explained by reference to the proposals possible impact on human beings, water, air, climate, cultural heritage, townscape and the interaction between any of the foregoing material assets;
- Where significant adverse effects are identified with respect to any of the foregoing, mitigation measures have been proposed in order to avoid, reduce or remedy those effects; and

- Summary, in non-technical language, of the information specified above.

It is considered that the environmental statement has provided the Local Planning Authority with sufficient information to understand the likely environmental effects of the proposals and any required mitigation

## Issues

### **Principle of the redevelopment of the site, contribution to regeneration and impact on Manchester City Centre and the Manchester Arena**

Regeneration is an important planning consideration. This part of Manchester has been radically transformed over the past 20 years with major infrastructure projects creating a national and international sports, leisure and recreation destination. However, much remains to be done if the full potential of the area, and the economic, social, physical and environmental benefits this would bring, are to be delivered. This proposal would result in £350 million of investment to deliver a large scale arena on a site that has been identified for some time as being suitable for a major leisure and entertainment visitor attraction of national significance at the Etihad Campus.

An arena is a main town centre use and the Etihad Campus is an out of centre location in policy terms. As a result, those parts of the NPPF which require an assessment impact and the application of a sequential test are engaged. As well as assessing what the impact of the proposal would be on relevant centres, most notably the City Centre, a sequential test has assessed whether alternative sites are available.

73 sites were initially considered within Greater Manchester which could realistically accommodate the proposal (taking an appropriately flexible approach) and assessed against a broad site suitability and availability criteria. Of those, 61 were not considered suitable or were unavailable to accommodate an arena of the type proposed and this included a degree of flexibility in the testing process.

The remaining 12 sites were considered against a detailed site criteria which included the site being of an appropriate size to accommodate the arena, being accessible and connected, satisfying market assessment and viability considerations together with being available and could deliver upon of regional/economic planning and regeneration priorities.

Three sites, which were in a more central location than the application site, were discounted as they did not meet one or more of the detailed criteria. The remaining 9 sites were all in an out of centre location (including the Etihad Campus). A requirement for considering out of centre sites, as outlined in paragraph 87 of the NPPF, is that preference should be given to accessible sites which are well connected to a town centre.

Of the remaining sites, the Etihad Campus was the most accessible to Manchester City Centre. As such, the assessment of these remaining 9 out of centre sites

focused on whether the Etihad Campus was the best location against the defined criteria relative to the other non-sequentially preferable sites.

The conclusion of this assessment was that the Etihad Campus was the optimum location and satisfied most of the applicant's criteria.

The campus is the most appropriately sized site and shape to accommodate an arena of this scale alongside other complementary uses and major events which are held there. No other site could demonstrated the same cluster of activities.

The Etihad Campus was also the most accessible location and is well connected to the city centre by non-car modes. Tram, bus, cycle and walking infrastructure all provide quick and direct links to the city centre and major rail hubs which provide links across the region and beyond. The accessibility of the site is demonstrated by the usage of these modes on match days. No other site within the list could rival this scale of connectivity or infrastructure.

There are no complex or unusual constraints to developing this site. The campus and the stadium have an international profile which none of the other sites could provide. This complementary cluster of uses at the campus would deliver significant regeneration benefits and create a globally competitive environment which would reaffirm and add value the status of the campus which has developed over the past two decades.

The site is also available and the proposal is capable of being delivered within the required timescales. The other sites required site assembly or were unavailable due to other developments being progressed.

The potential regeneration and economic benefits of the campus site would not have been achieved on the other sites. The campus is identified as a location for major leisure and recreational offer (policies EC3 and EC7 of the Core Strategy). The investment would bring jobs and social, economic and environmental regeneration benefits to the local area as well as supporting the wider city centre and city economy. The majority of the other sites identified did not have this level of planning policy support for a leisure use of this scale.

It is therefore accepted that there are no sequentially preferable in centre sites for the arena and the sequential test has demonstrated that the application site is suitable, available and viable for the proposal. This out of centre site therefore complies with paragraph 87 of the NPPF which requires such sites to be accessible and well connected to existing centres. Existing transport infrastructure links the site to the city centre which would discourage car travel to the campus.

The arena would enhance its leisure offer at the campus and further realise its potential as a world class sporting and leisure destination.

In determining the suitability of a second arena in Manchester, in this out of centre location, it is also important to consider the impact of the development on existing, committed and planned public and private investment in centres within the

catchment area of the proposal together with the impact of town centre vitality and viability as required by paragraph 89 of the NPPF.

The proposal is for a large arena which would not impact on existing, committed and planned investments in the catchment outside of Manchester City Centre/Regional Centre, as these would not compete directly given their different nature to a large arena.

As outlined elsewhere in this report, the scale of the ancillary retail, food and beverage offer does not require separate impact assessment and visitors to the arena would in fact generate beneficial impact to the city centre.

The impact of a second arena at the Etihad Campus on a number of notable projects has been considered. The investments tested were considered limited to major leisure destinations within the city centre only on a 'like for like basis' relevant to the sector within the Regional Centre.

The projects considered were – Factory Manchester, Manchester Arena refurbishment, Depot Mayfield and The Printworks. This list was expanded upon the receipt of further information to include the Great Northern, Manchester Central Convention Centre, other city centre music venue (for example the Apollo, Band on the Wall, Albert Hall, Warehouse Project) and other city centre cultural venues (for example HOME and Everyman Cinema). With the exception of the Manchester Arena, the investments at these venues is either temporary (such as the events space at Mayfield) or would be complementary or entirely different offer to the arena proposal.

The impact of a second arena, on the viability of the Manchester Arena and the city centre, have, however, been considered further.

A market analysis has been prepared to support the provision of a second arena in Manchester, and any associated impacts on the city centre, and this has been independently reviewed and analysed on behalf of the City Council.

Manchester is the second most visited city in England, with tourism having increased at a rate significantly greater than any other UK urban location. Population trends indicate that Greater Manchester could have an extra 250,000 residents by 2037. These factors support the City's aim of becoming a top 20 global city with all the essential characteristics to support a larger visitor economy alongside its continued strength as an economically diverse and successful international city with a global reputation for sport, culture and entertainment.

Manchester also has a central role in the UK's 'levelling up' agenda which seeks a more balanced distribution of economic growth and economic prosperity throughout all parts of the UK.

The Manchester Arena is, and would continue to be, an important asset within Manchester tourism and leisure market and sustains a significant number of jobs. However, it has not grown in the last decade, despite considerable growth in the Greater Manchester population and economy. This same period has seen the

introduction of two new arenas in the north of England: Liverpool Arena in 2008 and the Leeds Arena in 2013.

The existing Arena hosts on average 125 events per annum at an average size of 9,000 spectators per event. On average, around 10 events per annum exceed 15,000 customers. The distribution of events at the Manchester Arena have remained largely stable over the last decade with music concerts dominating the schedule at 60%. There has been no obvious diversification in the event mix over the last decade.

Manchester Arena has recently released plans for considerable reinvestment in the facility designed to attract a broader range of events by increasing capacity to 24,000 and providing a VIP/premium offer, new concourse areas and modern exterior. These improvements would aim to attract larger events, and potentially a wider range of events, diversifying somewhat from what has been a core business of music concerts.

Such improvements would be required in order to embrace the market opportunities identified by the applicant within their detailed analysis. Their current application relates to the remodelling of the exterior of the arena to create a new entrance (as part of a first phase of development) with a total investment of £9 million.

Without significant additional investment, the existing arena would continue to not function as a large arena and would become no more than a viable medium sized facility. The applicant's evidence demonstrate, however, Manchester needs two large arenas to fulfil all of its market potential.

There is no reason why the Manchester Arena wouldn't be able to compete successfully for its fair share of the overall market. This would follow the pattern of other two arena catchments where an existing arena invests and attracts a larger market share.

Without additional investment in the existing arena, Manchester with two arenas would have a combined practical capacity which is similar to Birmingham with their two arenas at 36,000 which is before the planned expansion of the Resort Arena. Year 1 activity in the new arena is linked to 117 events across all event types and this is expected to rise steadily in the future.

This has been benchmarked as being a sensible reflection of the current market and which would leave significant opportunities for the existing arena not only to achieve its viability threshold but to continue to succeed in the future by embracing the wider market opportunities identified in the detailed market analysis across sport, entertainment and live music.

The proposed Arena is targeting around 120 events per annum which is roughly the same number of events as the existing Arena. The majority of events are anticipated to be run in the 16,000 to 20,000 capacity with an average event size in excess of the circa 9,000 average achieved at the existing Arena thereby catering for typically larger events.

The target market for the proposed arena, whilst overlapping with the existing arena, would therefore be different and more diverse. It aims to become a significant international facility for sports/Esports events as well as seeking more major international artists across all event types including residencies and technically complex productions. This desire to capture more of the sporting market is significant with a clear synergy with the high quality sporting facilities and infrastructure at the Etihad Campus.

The pursuit of larger events than those hosted by the Manchester Arena and targeting more genuinely international music and family events, makes a clear differentiation in the planned market focus compared to the existing markets of the Manchester Arena.

A market analysis suggests that there would be sufficient market growth overtime to support the introduction of a new arena at the Etihad Campus and to also maintain the current levels of trade at the existing Manchester Arena. Objections received have sought to demonstrate that these projections are flawed and unfounded.

The applicant states that the entertainment market is continually changing and diversifying which creates new opportunities. Manchester was a market leader in the large arena market for many years but has since lost a lot of its market share following developments in Leeds, Glasgow and the O2 Arena London, despite growth in visitors and leisure in the city and successful economic growth.

The analysis states that without growth in capacity in Manchester, arenas elsewhere would continue to erode Manchester's market share in an incremental way. Growth in the London arena market has had a particular impact on the Manchester's market share. Prior to the opening of the O2 London, most acts came to Manchester. However, data now shows that 35% of all performances at the O2 London do not now play in Manchester.

The applicant asserts that artist's preferences for certain arena formats affects the City's ability to attract events, suggesting that certain events cannot be readily accommodated at the Manchester Arena. Less than 10% of shows at the Manchester Arena from 2014 to 2018 achieved greater than 15,000 spectators. In addition, where Manchester hosted equivalent acts to the O2 London, the average attendance achieved at the larger shows were 2,500 tickets per event more in the O2 London than for Manchester. There is also evidence that acts who played at the O2 London played nearly twice as many shows (136) compared with Manchester (71). Touring artists also spend fewer nights in Manchester and are far less likely to choose Manchester for residencies than London.

The applicant contends that this highlights capacity constraints at the Manchester Arena, due in part to its design and lack of flexibility in the configuration of the arena, its visitor experience (when compared with more modern arenas) and its focus on high yield music events.

The applicant's justification states that a second arena would attract more events to the City which would serve latent demand in the existing market and secure a greater market share in this expanding market. Their analysis shows that acts would



be attracted to a higher quality facility at the proposed arena, and play more nights, thereby securing greater attendances and ticket sales as a result of the higher quality, flexibility of its format and overall offer.

This would enable the proposed arena to attract events which do not currently come to Manchester and actively compete with London for major events. The arena would not seek to attract all the same acts that currently play at the O2 but would seek to draw additional events not currently attracted to the O2 or the Manchester Arena. This is in addition to an increase in market share which would result from reducing the leakages of audiences from within the 90 minute catchment that are currently attracted to London and elsewhere.

Sports events have also been identified as a key market opportunity and an example of a type of event which is either not currently attracted to Manchester and/or not currently held at other UK venues. These include the ATP World Tennis Tour Finals, Netball Super League Finals, Basketball Final 4, NBA global games, E Sport World Championships, World Gymnastics Championships, Euro League Final 4, BBC Sports Personality to name a few.

The applicant also believes that population growth will naturally expand the market in Manchester and result in greater attendance at arenas without any supply side interventions or market developments. By 2035, the population within a 90 minute catchment of Manchester is set to grow by 8% which could add an additional attendance of between 0.24 million and 0.38 million (shared across all venues not just the new arena). This combined with the potential to attract new audiences, including tourists, from outside the 90 minute catchment, provides compelling evidence to support a new arena at the Etihad Campus.

The Manchester Arena has announced potential investment plans including possible capacity improvements and an expansion of their hospitality and retail offer. The applicant believes that the proposed arena at the Etihad Campus would not undermine this planned investment and the investment would enable Manchester to fully exploit the market benefits of having two arenas allowing the city to fully capture the growth projections and market share.

It has been suggested that that the applicant's growth projections substantially over-estimate the likely future UK growth rate and potentially exaggerate the proportion of any growth that will flow to Manchester.

The market analysis submitted with the application indicates that there are three main sources of market demand evidence which have been considered - likely scale of ticket sales growth in the Manchester catchment, an assessment of the current ratio of arenas/arena seats per head of population in different city catchments and a more qualitative assessment of arena events that Manchester may or may not have missed out on in recent years.

The market growth scenarios have been produced based on conservative, realistic and ambitious outcomes. It notes that there has been consistent growth in the UK live entertainment market which has driven recent growth in the UK large arena market. It concludes that in all three growth scenarios, there would be sufficient

growth to support new arena developments across the UK whilst providing additional growth for existing arenas.

The UK has a globally important large arena market for live entertainment, with music/concerts, family entertainment and sport driving this demand. Other European cities as well as those in the United States have improved the scale and quality of their arenas. There has been little change in provision in England since 2013 and Manchester's position has remained unchanged since the Manchester Arena was opened in 1995.

The applicant's analysis adopts a growth forecast of 1.27 million additional ticket sales in Manchester by 2035 which would sustain both the proposed arena and the Manchester Arena. The applicant's market analysis demonstrates that the UK's live entertainment and sports market would continue to grow and that there would be opportunities to diversify and capture the significant range of events and performers who currently play London and not Manchester, and the potential for larger acts to play more nights in Manchester.

Growth rates within each sub-market within the realistic growth forecast are as follows:

- Music – growth of circa 1.5% per annum. This is higher than the UK average growth in music tickets sales between 2014 to 2018 of 0.5%. This higher rate reflects much stronger growth which has been achieved over the longer term and a number of new emerging markets which would boost audience numbers in the UK and concerts events, including, for example, Arena Festivals, new genres such as J-Pop and K-Pop, niche music and first time headliners;
- Family - growth of circa 2.3% per annum, slightly higher than the historic average of 1.7% per annum seen in the 2014 to 2018 period. This captures growth in national and international brands such as Disney and the likelihood of new entrants, such as Marvel, regularly providing new events and new products to the market. In addition, the introduction of new arenas is likely to help stimulate the family market, with more flexible space providing venues for more technical productions, as well as more welcome/circulation, food and beverage space;
- Sports - growth of circa 8.0% per annum, which is below the historic circa 11% annual ticket sales growth for sports events. This takes into account ambitious growth plans for all major arena sports and new formats designated to boost coverage and audience numbers as well as Manchester's existing reputation for sporting events which attract substantial spectator numbers as well as hosting international and tournament finals.
- Other (which includes comedy/transport shows etc) - growth of circa 1.0% per annum. This is in contrast to the evidence from 2014 to 2018 which showed the other category have contracted by circa 6.8% per annum due to the major impact of the cancelled UK wide Peter Kay tour in 2018 – 49 events across 5 arena in the UK including 16 in Manchester (he also had a further 51 events

planned to take place in 2019). There is growth in this category due to the potential for new formats to generate new events and ticket sales notably awards such as BBC Sports Personality of the Year and miscellaneous events such as motivational speakers and conventions, taking account of more private and corporate events for international companies using arenas.

The growth forecasts not only consider the UK music market, but changes in the dynamics and trends of the market (short and long term) in order to capture growth areas such as family entertainment and sports events. UK growth is expected to be 2.5% and while music ticket sales is expected to exceed 10 million per annum by 2040, this would account for less than 50% of all ticket sales at large arenas.

The applicants approach is to calculate the volume of UK arena growth and to then distribute this spatially - first to northern England and then secondly to Manchester. The distribution method involves allocating 40% of overall UK growth to the northern England and then 50% of that growth to Manchester – meaning that Manchester absorbs approximately 20% of all UK growth.

The City Councils independent review considers that these growth rates, and the conclusions drawn, are reasonable.

In addition to the realistic growth forecast, there are also market development opportunities within a 90 minute travel time catchment area of Manchester which is currently being lost to other venues.

These factors combined could result in more optimistic potential of 2.05 million additional ticket sales, well in excess of the growth forecast of 1.27 million.

In order to further test whether the realistic growth forecast of 1.27 million ticket sales could reasonably be supported by the market, additional demand analysis, has been prepared by the applicant during the course of the application. This analysis is based on an independent consumer survey with a representative sample of the population 2,164 adults aged over 16 living within a 90 minute drive of the site of the proposed new arena. The survey was undertaken by a specialist research agency working in live entertainment, theatre and culture.

This demand analysis was also based on two Manchester arenas operating sustainably in the Manchester catchment and Liverpool, Leeds and Sheffield all putting on a programme of events comparable to those at the Manchester Arena and the proposed arena (and the population travelling to their closest venue).

Increasing the frequency of visits from those who currently attend arenas would yield an additional 0.9 million ticket sales per year (the approach assumes an increase from 9 visits every 5 years to 11.5 visits every 5 years). An additional 0.73 million sales per year would be yielded by appealing to new or lapsed audiences within the catchment (i.e. persuading people who don't currently attend arena events to attend).

Clawing back current attendance by residents within the catchment from facilities outside the catchment would result in an additional 0.42 million ticket sales.

Each of these elements would result in a 2.05 million visits, which provides headroom on the realistic growth projections of 1.27 million.

In addition, population growth in the catchment between now and 2035, based on ONS forecasting, would lead to demand for at least a further 0.24 million and 0.38 million ticket sales per year. Also, it is considered that the proposed new venue also has the potential to attract new audiences, including tourists, from outside the 90 minute catchment who do not currently attend arenas.

On this basis, 1.27 million ticket sales appears to be a realistic estimate of the likely scale of additional demand in the Manchester catchment to 2035.

The growth rate that underpins the realistic growth scenario is greater than the historic rate over the last 4 years but it should be noted that the historic growth rate covers a short period and was impacted by one-off events, including the cancellation of Peter Kay's tour. Once the historic growth rate is adjusted for these one-off events it is closer to the applicant's future growth rates and the sub sector uplifts that applicants have applied are reasonable.

The distribution method which sees 20% of all UK growth absorbed by Manchester is also considered reasonable. Whilst it is in excess of the current market share that Manchester captures, it is important to note that almost half of the overall UK growth is predicted in sports markets.

In addition, it appears reasonable to assume that an entirely new facility should drive a slight uplift in frequency of existing arena visitors and attract new/lapsed audiences. The methodology applied in both these respects is robust and based upon a sizeable population survey.

Data on the ratio of the arena seats per head of population shows that at 6.0 seats per 1,000 population Manchester currently lags behind Birmingham (10.0) and London (10.5) and with the ratio set to rise further in both these other locations in view of Birmingham's plans to expand the capacity of Resorts World and submitted plans to construct a new London arena (MDG Sphere). The proposed arena at the Etihad Campus would bring Manchester to circa 12.5 with both Birmingham and London due to increase further as well through their planned expansions.

The historical overlooking of major sporting events in Manchester is a realistic and compelling part of the applicant's justification. A bespoke world class facility, which takes advantage of the existing sporting profile of the city, and the profile of the Etihad Campus and the existing sporting facilities in this location, would allow Manchester to increasingly put itself on a global stage for indoor sporting events.

It is also reasonable to assume that the rapidly growing conurbation is likely to also secure additional awards events and headline music events that it has missed out on in more recent times.

Other UK cities have developed, and continue to develop, viable and complementary offers where two arenas exist in the same catchment areas either through market

competition (for example Leeds/Sheffield) or through a common promoter (for example Birmingham). London also has the O2 Arena and SSE Wembley Arena.

A planning application has been granted to refurbish and expand the Resorts World Birmingham together with plans submitted to develop a new 21,500 capacity MSG Sphere in London. Other UK cities with more than one large arena are therefore likely to expand their offer in the coming years, subject to planning approval, impacting further upon Manchester's market share.

Birmingham's arena saw a significant increase in events to 170 events last year and revenues have similarly increased. Over the last 36 months, the combined events in Birmingham averaged 151 with revenue of £46 million per annum, bettering Manchester on both event numbers and revenues.

Not only has Manchester a smaller event base than Birmingham, but given the different market size and the established cultural heritage of Manchester, this further demonstrates the opportunity to expand its event base and therefore increase revenues coming into the city.

The applicant's analysis shows that the total sales/attendance of the Birmingham arenas combined is lower than the proposed growth scenario in Manchester. Whilst the two arenas are under common control, they argue it does serve as an example of two arenas operating within a similar catchment area.

It is accepted that the Birmingham scenario provides a reasonably helpful comparator on how two arenas can operate harmoniously. The combined revenues of the two arenas was close to Manchester in 2018 but was substantially greater the year before (circa £65 million versus circa £49 million) and the Birmingham venues have grown considerably in the last decade.

Whilst the common ownership is certainly a factor in enabling synergistic schedules it is not the only factor. This is evident from the way in which both London and numerous other international cities operate dual arenas and achieve a degree of complementarity across their programming schedules. Economic realities dictate that dual arenas operating in close proximity typically find ways to develop different specialisms, different niches and complementary programming.

Sheffield and Leeds also operate within largely similar catchments but with different operators. Total revenue has grown markedly since the opening of the arena in Leeds and an overall growth in the number of events again demonstrating two arenas can operate in a diverse market.

This latest round of investment suggests the twin arena model is working in these locations. Outside of the UK, the concept of dual arena cities is relatively widespread, albeit sometimes with different market drivers to the UK.

There is no UK arena anywhere which, in recent times, has been forced to close because of competition. In addition, the idea of a twin arena city is not new nor novel which is evident from the numerous precedents which are not confined to the very largest global cities.

The objections received to the application dismiss Manchester's potential to secure "London centric" events. This appears to disconnect between the Manchester Arena's ambition to invest circa £9 million in the existing arena and their desire to attract a more diverse set of larger events.

There is also no evidence to suggest that the proposed arena would affect any other, smaller, venue in Manchester. Manchester has a diverse range of venues which co-exist together and represent the broad range and strength music offer in the city. Indeed, there may very well be some advantages of having a diverse range of venues within the City appealing to different parts of the likely market.

With regards to the impact of the Covid-19 pandemic, it is fully acknowledged the unprecedented negative impact the pandemic has had on the economy generally. The proposal would provide help stimulate the economy through a significant single private sector investment which would help, in part, reduce the short term negative employment impacts on the local and regional economy. Jobs would be created during construction, which would also support supply chains, which would otherwise be lost in the region. There would also be jobs created when the development becomes operational.

There is a need to grow city centre visitor spend in the medium term and the benefits of the arena would extend to increasing spend and visitor activity not only in the local area and but also the city centre.

Whilst the recovery period is expected to be slower than first forecast, the estimate for the economy is to get back to pre-Covid levels by the end of 2021. The proposed arena would not be fully operational until 2023 when the Bank of England forecasts that growth and recovery would be firmly established to at least pre-Covid levels. As such, in all likelihood by 2023 the propensity to attend live entertainment events would have returned to prevailing levels and that the presence of Covid-19 would not fundamentally alter the market demand conclusions of the applicant. Whilst the effects of the global pandemic has been unprecedented, the analysis presented by the applicant has covered one off events which have disrupted the local market, and has sought to present an assessment when the impact of the new arena would have become mature (i.e. by the end of the decade).

There are no significant changes reported in investment plans as a result of Covid-19 elsewhere. Proposals in Gateshead, London and Cardiff are all still in the planning process.

In addition, Manchester Arena have also continued to bring forward their proposals for the existing arena as evidenced by the recent submission of their planning application, pending validation.

It is considered that the proposed arena would deliver short and long term boosts to the economic recovery of the City Centre and the wider City Region, making this one of the most transformational investments by the private sector in the UK at this time.

Consideration has specifically been given to the impact on the city centre and the economy of Manchester.

The applicant's analysis shows that whilst there may be some localised impact within the city, a new arena in Manchester would, however, bring a significant boost to the city centre, taken as a whole, through additional visitors and spending. Any localised impacts would be limited given there is already a cluster of uses in and around the Etihad Campus which would complement each other. In addition, the campus is well connected by public transport to the city centre and beyond. As such, there is no significant evidence to suggest that the local area would not benefit like it does now when large scale events take place at the Etihad Stadium.

The Manchester Arena no longer maximises its economic contribution to the city centre. As detailed above, attendances have more or less remained stable for some time and whilst there has been growth in the wider entertainment market, this has not been captured by existing arena which in turn impacts upon the city centre growth and opportunities. The arena would produce practical and deliverable investment proposals, and therefore, this situation should undoubtedly improve.

The proposed arena would not affect the visitor expenditure in the city centre, derived from visits to the existing arena. The proposal would create net additional economic impact from visitors and a conservative forecast predicts a 58% increase in city centre jobs and GVA from arena visitor expenditure, compared with the present situation. This increases to 80% in city centre employment and GVA from arena visitor expenditure under the ambitious scenario.

The analysis is underpinned by the previously referenced consumer survey which shows that respondents interested in the proposed new venue would spend money in city centre hotels, bars and restaurants in portions broadly similar to attendees of the existing Manchester Arena.

The area around the existing arena is one of a number of cluster of visitor facilities in the City, with a range of restaurants and bars, and there is no evidence to demonstrate that this area would suffer disproportionately as a consequence of the arena. There is no reason why it would not continue to secure more than its fair share of increased trade as a result of the additional spend opportunities, as currently occurs for European Football matches and other events which take place at both the Etihad Stadium and Old Trafford. This is due to the range of facilities provided in this area as well as the vicinity to Victoria Station, which has approximately 8 million users per year, and the existence of Metrolink stops facilitating ready access to both the Etihad Campus and Old Trafford.

Objections to this application argue that whilst the applicant has attempted to consider the potential expansion of the events market over the long term (based on scenarios which model a level of growth substantially above that which has been historically achieved) they argue that there has been no direct assessment on city centre operators, in line with the Town Centres PPG paragraph 018. In particular, it is argued that the information submitted by the applicant seeks to consider how the events market may expand over the long term (to 2035) rather than establishing that the relevant test year in respect of impact would be the second full calendar year of trading.

It is considered that applicant has extensively and robustly demonstrated, through its detailed market assessment, that Manchester can readily and viably sustain two arenas without undermining either. This is considered central to the requirements of paragraph 89b of the NPPF.

The significant level of additional benefit to the city centre would substantially outweigh any losses to City Centre trade from events that might otherwise have taken place at the existing arena which is primarily those customers who will arrive more than 30 minutes in advance of an event starting. Although great emphasis is placed upon such losses by the objectors, there is no meaningful assessment to evidence what these losses might be.

In any event, any losses must be weighed against the substantial benefits to the city centre as a whole (the test within Paragraph 89 of the NPPF) from the increased overall trade arising from the second arena.

With regards to test years, the weight applied to the PPG in decision making is not the same as the weight which should be applied to the development plan or the NPPF both of which have been subject to the required consultation and adoption process and is a guidance document and not adopted planning policy.

The PPGs reference to test years (2 years after opening or when trading patterns mature) is intended for out of centre retail schemes e.g. supermarkets or retail warehouses. It is not intended to apply to leisure proposals of national and international significance. In any event, the time frame for trading patterns reaching maturity in this case would be over a longer period, which is consistent with the market analysis that has been provided by the applicant. This includes needing to adapt and embrace the total market opportunity.

It is estimated that the arena would generate an additional £36 million per year in direct local spending in shops, restaurants, cafes, bars, hotel accommodation and transport within the city which would create indirect jobs of approximately 1,400.

Over a 20 year period, with the two arenas in operation and between 1.85 million and 2.2 million ticket sale per annum in Manchester by 2030, this would create between £1.34 billion and £1.5 billion of additional economic activity (GVA) in the UK economy. If 2.3 million ticket sales per year were achieved by 2035, the two arenas would support almost £57 million of food and beverage expenditure per annum, with 50% of this in or close to the city centre. 838,000 bed nights for hotels and serviced accommodation would be generated, 85% of which would be provided by city centre operators. It is predicted that City centre expenditure would be increased by £95.2 million per annum.

The arena would include ancillary retail/commercial floor space (17,451 sqm) comprising retail, restaurant/café and bars. However, these uses are proposed to be an integral part an arena experience and would increase dwell time at the arena, before and after an event. With the exception of the canal side kiosks, they would not operate on days where the stadium or arena were no operating.



The arena would not be a freestanding retail destination. There would be no sit down bars or restaurant and the retail offer would be specific to the arena and merchandise linked to performers. The food and beverage (3,032 sqm) offer would only be available to those who were attending an event. These areas would not be open outside of event days unless for sponsor or for local community use on non-event days.

Hospitality accounts for a significant proportion of this space (6,652 sqm) with the remainder being circulation space, for ingress and egress to the auditorium, or back of house functions (7,767 sqm).

The hospitality space and VIP provision is only accessible on a pre-booked concessions basis. These spaces offer an experience not found in old style arenas which are often characterised by corporate suites within a separate tier and private concourse. Having the hospitality suites integrated as part of the auditorium and public concourse area allows access to all levels of the arena providing a complete arena experience with other spectators.

The only publicly accessible areas that would be available each day, whether events take place or not, are three kiosks on the southern canal side of the building which amounts to 223 sqm. These kiosks would contribute positively to the campus and the natural surveillance of the canal. The creation of ancillary retail and commercial offer is fully in accordance with policies EC7 and C4 of the Core Strategy and is not expected to impact on the city centre.

The other social and environmental regeneration benefits would be significant. The proposal would create 3,344 full time equivalent jobs during the 3 year construction period and additional growth in the supply chain would increase the number of jobs to 3,787. Jobs would be targeted directly at Manchester residents. At least 100 jobs would be apprenticeships with work experience placements for long term unemployed people, ex-offenders, homeless people and veterans.

When in operation the arena would directly provide 47 full time and 1,038 part time positions equating to 585 full time equivalent jobs. The applicant would ensure that as many of these jobs as possible are made available to local residents. Those within walking distance would be prioritised and paid at least the Manchester Living Wage. The construction and operational employment opportunities would form part of a legal agreement.

The proposal would develop an iconic building at the campus, deliver environmental and biodiversity improvements in the form of new landscaping and tree planting and use the most advanced technologies to create a highly efficient building in terms of energy and water management. It would deliver significant benefits and provide a further catalyst for the ongoing regeneration of East Manchester.

The arena would provide Manchester, and the wider region, with a facility which matches the capacity, facilities and profile of the O2 arena London in the music entertainment and sports market. It would help rebalance the UK's leisure and visitor market which is heavily weighted in favour of the south of England.

The proposal has satisfied the tests of the NPPF and the Core Strategy regarding its out of centre location for a major leisure use. The city centre is a focus of tourism, leisure and retail development, but policy EC7 establishes the site as providing an opportunity for a leisure, recreation and entertainment visitor attraction of national significance and therefore this must be given significant weight in the determination of this application. The importance of Eastlands as a destination is also reflected in policies EC1 and EC3 together with saved policy EM11 of the UDP.

Compelling evidence demonstrates that Manchester can support two arenas and, without another arena, Manchester would continue to lose its market share which would only serve to strength markets such as London. The city centre would continue to thrive with visitor numbers increasing demand, and spending, within the city centre retail and hospitality sectors.

### **Climate change, sustainability and energy efficiency**

The arena would be a low carbon, energy efficient building in a highly sustainable location with excellent access to public transport for spectators, staff and visitors. The aim to deliver the most sustainable arena in the UK and in Europe in line with the wider transformation taking place at the Etihad Campus to make all buildings net zero carbon by 2038 and to pioneer a new model of progressive and sustainable growth for the rest of the city, and others around the world to follow, based on the Etihad Campus Sustainability Framework.

The proposal would develop a contaminated brownfield site. Sustainability would be embedded into the design, construction and operation of the building to create an iconic and sustainable development.

The construction process would use good practice to: source materials and labour locally where possible; reduce vehicle emissions and dust; manage water; improve biodiversity and social value, to minimise impacts on climate change. The arena building would be energy efficient, minimise its impact on air quality and include water management measures.

The building would have a high performance fabric and air tightness (with average U values over 40% better than part L 2013) and highly efficient building services. These would operate on a predominately electric system to ensure the building, and its operations, benefit from long term grid decarbonisation. There would be a small amount of gas fired boilers, for hot water, stair core heating and kitchens, but as the technology becomes more viable, and carbon efficient, there is a commitment to retrofit these elements. As a result, the arena would be able to successfully transition to net zero carbon by 2038.

The building services would be demand led and recover heat. There would be LED lighting, intelligent control systems and air source heat pumps for heating and cooling. Photovoltaic installations would be maximised on the roof and there is potential for future connection to a local district heating network should this become available. The building would be evaluated within a minimum of 3 years of occupancy, to review its energy and carbon achievements and where possible improve upon this.

It is anticipated that the arena would use 40% less water than comparable buildings through water efficient sanitary ware and catering specifications. Rainwater harvesting would be used for toilet flushing. Surface water run off rates would achieve over a 50% betterment over existing conditions.

The arena would have an operational target to achieve zero single use plastic and zero waste to landfill. This would be achieved through a highly efficient ordering and waste management system which integrates with the wider Campus. 100% of single use packaging would be from recyclables, compostable or credible certifications. Free drinking water would encourage refill and minimise the use of single life plastic. Waste management audits would ensure continuous improvements with suppliers and sorting of materials.

Enhancements to the public realm around the building with trees, planting and wildflowers to the canal side would improve biodiversity. This would attract wildlife and create new habitats.

The social value potential of the arena is significant. It is estimated that 3,344 full time equivalent jobs (including 100 apprenticeships) would be created during the construction phase. The operational phase would create 47 full time and 1,038 part time positions which equates to 585 full time equivalent jobs within a range of roles. £36 million per year would be created in direct annual local spending. The arena would be fully inclusive and meet all relevant standards in relation to accessibility including provision for wheel chair users and those who require sight and hearing enhancements. There would also be community access to the arena facilities on non-event days.

There would be no additional on-site parking and an existing 500 space car park would be lost. Whilst it is acknowledged that the development has the potential to contribute to greenhouse gas emissions, the transport strategy for the arena is principally focused on reducing car journeys to the site by the promotion of tram, cycle, bus and walking routes which connect to a number of the city's rail stations. These measures would be promoted and communicated through a travel plan and operational management strategy which would be monitored and reviewed annually. A further 240 covered cycle spaces would be created at the campus in addition to 284 existing spaces. An enhanced residents parking zone would be introduced to minimise impacts on local communities and discourage car journeys to the site.

Policy EN6 of the Core Strategy requires developments to achieve a minimum 15% reduction in CO2 emissions (i.e. a 15% increase on Part L 2010). Since the Core Strategy was adopted, Part L 2010 has been superseded by Part L 2013 which has more stringent energy requirements. The 15% requirements translates as a 6% improvement over Part L 2013.

An Environment standards statement states that the CO2 emissions from the arena is targeting to surpass 34% improvement over Part L 2013. This improvement could be further enhanced once the final specification of the photovoltaic panels has been resolved. The proposal is also targeting BREEAM excellent in line with policy DM1 of the Core Strategy.

This compares favourably with arenas which have recently been granted planning permission, such as in Bristol, and proposed arena in London which is currently being considered. The YTL Arena at Bristol has a capacity of 17,080, achieved 32.9% above Part L (2013), provides 10,000 sqm of photovoltaic panels and a BREEAM rating of excellent. The MSG Sphere London has a capacity of 21,500, achieved 13.4% above Part L (2013), provides 36 sqm of photovoltaic panels and a BREEAM rating of Very Good. Comparisons with other UK and international arenas show that the proposed arena outperforms all UK arenas and is comparable with the other international venues.

### **Arena design and visual amenity**

The concept for the arena is to deliver an iconic Manchester building that surpasses UK and international arenas in terms of size, performance and spectator experience. The auditorium would be compact and adaptable to achieve the flexibility required to host a broad range of music, sports and entertainment events.

Extensive retractable seating in the auditorium would allow efficient changes between modes and offer the optimum viewing experience. The retractable seats allow standing capacity larger than any other UK venue. The compact seating bowl would enable spectators to be closer to the act on the stage.

There would be spaces around the arena for ancillary facilities including food and beverage. There would be five levels connected by stairs, escalators and lifts. Hospitality facilities at level 2 include an Atrium Lounge and private suites and clubs which open up over the concourse area. These would be connected by a circulation lounge with bars, seating area and support facilities. These facilities would enhance the visitor experience, encourage longer dwell time, create atmosphere throughout the arena and allow crowd flow to be managed.

The arena would have state of the art artists rooms and backstage spaces which include dressing rooms, green room, games room and management support spaces.

The architectural response to these requirements would be a distinctive building form which responds to its position within the Etihad Campus.

The siting responds to its position adjacent to Joe Mercer Way, Alan Turing Way, Sportcity Way and the Ashton Canal. This takes advantage of pedestrian approaches allowing smooth access into and out of the building to avoid queues. It also provides efficient vehicular access for production vehicles.

Entrance lobbies would be positioned along the western elevation facing Joe Mercer Way to allow direct access from the main pedestrian walking area at the campus into the arena.



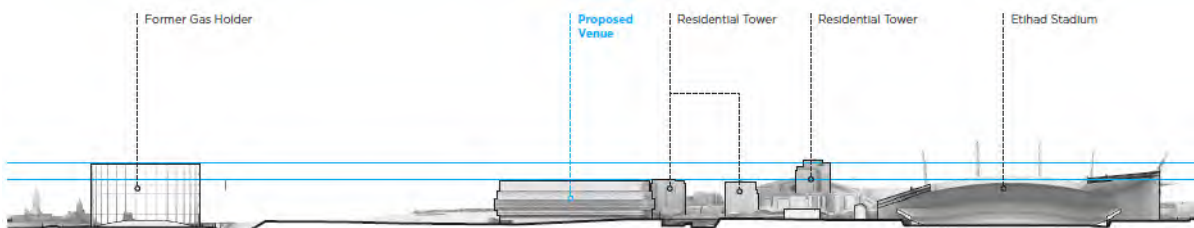
***View of Joe Mercer Way (looking back towards the Etihad Stadium) with one of the entrance lobby's and green screen***

Another entrance lobby to the south would be accessed off the podium facing the Ashton canal. The entrances would allow controlled access to the concourse spaces. Kiosks would open up onto the podium area and provide an active space on non event and event days utilising an external area overlooking the Ashton canal.



***View of the podium and kiosks areas to the south of the building***

This would be a big building but at 40 metres high it would be significantly lower than the stadium which is 70 metres high. The O2 London is approximately 50m high.



***Section across the site showing the Etihad Stadium and the surrounding residential developments and gas cylinder***

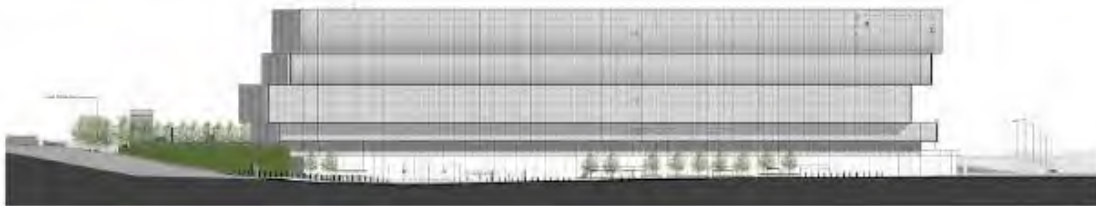
This scale is an appropriate response to the site and its surroundings. It does not exceed the height of the nearby residential apartments or the Etihad Stadium and provides a complementary addition to the sporting buildings at the campus.

The massing is formed through the horizontal layering of a series of stacked boxes which creates visual interest. Two principal elements form the façade - a grounded lower masonry plinth and an upper lightweight stepped box. The lower plinth connects to Sportcity Way and Alan Turing Way and forms a series of podiums along Joe Mercer Way and the Ashton Canal edge. At ground level the elevations would be more solid to prevent daylight from entering the internal spaces.

Alan Turing Way Elevation



Sportcity Way Elevation



***Elevations from Alan Turing Way and Sportcity Way***

Ashton Canal Elevation



Joe Mercer Way Elevation



***Elevations from the Ashton Canal and Joe Mercer Way***

The building would have a simple form but the stacked effect and the use of a restrained number of materials would provide a strong iconic identity. The form

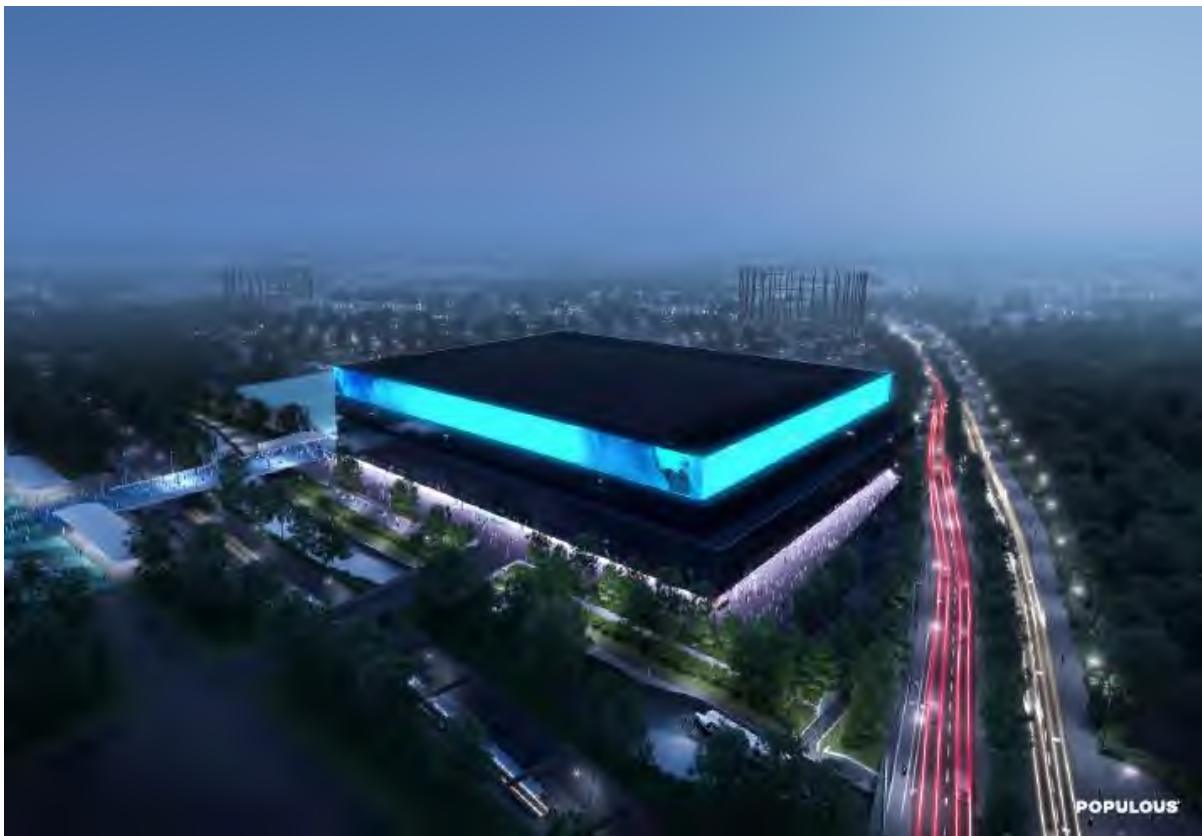
creates a highly efficient thermal structure which reduces energy consumption required for heating and cooling.

The facade treatment expresses the massing of the building. The dominant colour would be black, providing a seamless appearance to the facades and unifying all four elevations. The upper facades would be clad in perforated high gloss black metal panels. This would emphasise the stacked boxes and overhangs which would appear to float above the solid base of the building. The base would be ribbed pre-cast concrete panelling. The soffit of the lowest box would have a reflective material which would further enhance the arenas appearance.

Architectural lighting would be installed to all four sides of the upper box. LED lighting screens are proposed only in key locations (south west and south east corners on the southern elevation and south west corner on the western elevation) corresponding with the main pedestrian approaches and would be used for branding and sponsorship.

The palette of materials would ensure that that the architecture would be high quality with or without illumination with the LED displays blending into the facade.

Light coloured, textured and smooth concrete panelling would frame the main entrances at the base of the building contrasting with the dark paving to the public realm on the venue approaches. Green screens are proposed to the vertical concrete plinth facing Joe Mercer Way and to the landscaped site perimeter wall to Alan Turing Way to soften the building to Phillips Park and the canal edge.



***Aerial view of the arena with its high gloss black facade, lighting and LED screens together with soft landscaping***



The arena would be a simple and iconic building within the Etihad Campus. The NPPF directs that great weight should be given to outstanding innovative design which promotes high levels of sustainability (paragraph 131). This development achieves that objective.

The stacked box and restrained palette of material provides visual interest along with the lighting and LED screens to the upper block, soffits and base. The back façade would be purposefully striking and provide a complementary addition to the campus and its ongoing regeneration. Conditions would be used to ensure that the materials, landscaping and green screens are acceptable to ensure the architecture and setting of the arena is delivered to the required standard.

### **Townscape Assessment**

A computer modelling process has provided accurate images that illustrate the impact on the townscape from agreed views on a 360 degree basis. This allows the full impact of the scheme to be understood.

A Visual Impact Assessment (VIA), which forms part of the Environmental Statement, has assessed where the proposal could be visible from, its potential visual impact on the streetscape and the setting of designated listed buildings. The assessment utilises the guidance and evaluation criteria set out in the *Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> Edition) 2013*.

Key viewpoints have been identified and 11 were assessed in detail. These are as follows:

- View 1 – south from pedestrian crossing on Alan Turing Way A6010 at the junction with Briscoe Lane;
- View 2 – southwest from Grade II listed Philips Park;
- View 3 – from eastern end of pedestrian footbridge leading to Commonwealth Way, Etihad Stadium;
- View 4 – north east from A662 Ashton New Road;
- View 5 - East from CityLink – a key pedestrian and cycle route from Piccadilly Station to the Etihad Stadium;
- View 6 - West along towpath/National Cycle Network route 60/Bee Network;
- View 7 - Northeast from Joe Mercer Way;
- View 8 - North along Grey Mare Lane;
- View 9 - East from Saxon Saint Park;
- View 10 - West along Stuart Street East;
- View 11 - South east along Hulme Hall Lane.

The Assessment provides a comparison of the impact of the scheme against the current situation, including the setting of listed buildings.

Consideration has also been given to the impact of the construction works on the views, however, the impacts are considered to be negligible overall given the construction phase is temporary and for the duration of the build period.

*View 1* looks south from the pedestrian crossing on Alan Turing at the junction with Briscoe Lane and opposite the pedestrian entrance to Phillips Park Cemetery. The routes are heavily trafficked by both vehicles and pedestrians, particularly on match days. The view is dominated by highway infrastructure together with the grade II entrance lodge with its associated gates and railings which forms a prominent feature within the view. The Etihad Stadium is highly visible and forms a landmark feature due to its form and scale. The gas cylinder is to the right and the stadium and gas cylinder form contrasting features to the historic cemetery and lodge.



***View 1 - View south from pedestrian crossing on Alan Turing Way A6010 at the junction with Briscoe Lane***

The proposal would be a major new feature obscuring the view of the Etihad Stadium and creating a new visual focal point. The pyramid hip roof of the gatehouse retains some visual prominence above the arena roof line, however, there would be an adverse impact on the setting of heritage assets. The use of modern materials and the high architectural design of the arena, with its stacked box effect, suitably mitigates the impact of development particularly the loss of the view of the stadium, and the setting of the heritage assets.

*View 2* is taken within the grounds of the listed Phillip Park and is dominated by its features such as the listed entrance lodge and war memorial and the listed entrance gates and railings, grass areas, trees, fencing and playground.



***View 2 – View southwest from Grade II listed Philips Park***

The view is highly sensitive and would be subject to significant change. The arena would become a major new feature within the view and change the current open outlook from within the park towards Alan Turing Way. The setting of the heritage assets, including the setting of the park, would be affected. However, the significance of the park and the listed assets would remain understood and legible. The impact of the arena has been minimised through its high quality distinctive architecture. There would be no LED screens on the Alan Turing Way elevation of the arena reducing the lighting glare to the listed park.

*View 3* is an elevated position providing a panoramic view of the Etihad Campus looking towards the arena from the eastern end of the pedestrian footbridge over Alan Turing Way towards Commonwealth Way. The current open flat characteristics of the site are evident and demonstrates the potential of the site within the Etihad Campus. The footbridge is visible but the Etihad Stadium dominates the view. There is a distant view of the redundant gas cylinder.



***View 3 – View from eastern end of pedestrian footbridge leading to Commonwealth Way, Etihad Stadium (daytime)***

The arena would form a new addition. The Etihad Stadium would remain the dominant building with the scale, massing and appearance of the arena complementing it and forming a cohesive character and built form to the campus and Alan Turing Way. The arena would screen the view of the gas cylinder and other features such as surface level car parking. This view demonstrates the arena would form a positive addition to the street scene through its high quality architecture. The LED scheme would be visible adding to the distinctiveness of the building.

This view has also been assessed at night-time and the impact of the arena would remain a positive addition to the street scene. The lighting scheme would be clearly visible and would give the building presence. This would also complement the lighting arrangements at the stadium.



***View 3 – View from eastern end of pedestrian footbridge leading to Commonwealth Way, Etihad Stadium (night-time)***

View 4 is from the footpath along Ashton New Road leading from Darley Street. It is dominated by the road network and fencing associated with the car sales showroom. The site is located centrally and is clustered amongst the car showroom and building at the Etihad Campus.



***View 4 - View from north east from A662 Ashton New Road***

The arena would nestle within the cluster of buildings at the Etihad Campus and car showroom and form a subtle addition from this vantage point. Its scale and massing would not be out of character and the stadium would still be dominant, particularly in the cumulative scenario with the expansion of the north stand. The view would largely remain unchanged with the road infrastructure dominating the view.

*View 5* is from the City Link walking and cycling route where it meets a key Etihad Campus pedestrian gateway. The route is used heavily on match days being a main pedestrian walking route to the Etihad Campus from the city centre. The view provides sense of arrival at the campus nestled in with trees and soft landscaping which contrasts with the large urban surroundings. The walkway and surrounding boundary treatments form the central aspect of the view.



***View 5 - East from CityLink – a key pedestrian and cycle route from Piccadilly Station to the Etihad Stadium***

The arena would provide a new focal point and would enhance the sense of arrival at the campus for pedestrians arriving from the city centre. The arena building is softened by landscaping, however, the architectural language of the building would be evident allowing appreciation of the stacking effects and LED screen.

*View 6* provides a view along the Ashton canal towpath and the national cycle route. It is set within the Ashton canal Lock Keepers Cottage (Grade II) which is to the left, and lock 7 (Grade II) and bridge number 9 in the centre. A modern apartment building is to the right. There are distant views of tall building in the background which mark the centre of Manchester. The heritage features within this view contribute significantly to the enjoyment of the canal and the local environment.



***View 6 - west along towpath/National Cycle Network route 60/Bee Network***

The arena would significantly alter the view adding a major contemporary feature. This would impinge on the setting of the listed buildings and on the overall setting of the canal network and result in an adverse impact. The listed buildings and structure would remain legible and understood notwithstanding the addition of the arena in the background. The harm to this view and the heritage assets is minimised through the quality of the architecture, and the change in massing and materiality of the building is evident from this view.

*View 7* is a wide, open and elevated view from the southern end of Joe Mercer Way, a key pedestrian route within the Etihad Campus leading to the stadium which experiences a high volume of spectators on match days. The walkway dominates the view alongside other street furniture associated with the tram stop. The gas cylinder is in the background and forms a low quality focal point. The tops of trees can be seen across the site as is the view of the spire of the listed lodge to Philips Park cemetery.



***View 7 - Northeast from Joe Mercer Way (daytime)***

The arena would be a dominant feature removing the surface car park. The view of the spire would be lost, however, the view of the arena, and its high quality architecture, is considered to be a positive addition for the users of the walkway and the campus. The stacked nature of the arena would be evident from this view as would the LED screens which wrap around this part of the building.

The impact of the building at night has been considered from this view point which demonstrates that its presence would be positive along Joe Mercer Way with the lighting scheme providing a cohesive addition to the campus.





***View 7 - Northeast from Joe Mercer Way (night time)***

View 8 is a framed view looking north along Grey Mare Lane. Two storey buildings flank either side of the street and frame the southern end of the Etihad Stadium which terminates the view.



***View 8 - north along Grey Mare Lane***

There would be glimpsed views of the arena with the stadium remaining the dominant structure. The residential character of the street scene is retained.

*View 9* the park provides an open area in a dense residential part of the city which provides a view across to the Etihad Campus. The homes in the view are modern properties along with a gas cylinder. The views across to the campus and the stadium are more evident in the winter months.



***View 9 - East from Saxon Saint Park***

The view would remain largely unchanged. There would be a subtle view of the top of the arena above the roof line of the housing. The arena would not be readily understood and would largely blend in with the existing urban grain.

*View 10* looks west along Stuart Street East with buildings on both sides of the street framing the site. It is dominated by the road infrastructure and the housing which flanks the view.

***View 10 - West along Stuart Street East***

The characteristics of the view would remain largely unchanged, however, the arena would now terminate the view where once it was open. The high quality architecture of the building would be legible with the scale of the building in line with the height of the dwellings.

*View 11* is dominated by road infrastructure, including lighting columns, bollards and signage. There is a prominent tree line on both sides of the road and distant views of the Etihad Stadium.



***View 11 - South east along Hulme Hall Lane***

There would be a glimpsed view of the arena which would form a cluster with stadium. The LED screen would be visible which would add to the character of the view. The view of the stadium would remain unchanged and would become marginally more prominent with the expansion of the north stand.

The development would form a large and significant building within the viewpoints identified. The assessment has shown that the arena would, in most cases, provide a beneficial improvement to the townscape in terms of character and urban grain by redeveloping a low grade surface level car park.

The assessment has highlighted that there are three instances where there is likely to be an adverse impact (views 1, 2 and 6). These impacts are considered to be modest and are principally as a result of the heritage assets within these views. Whilst it is acknowledged that the setting of these assets would change, this is as a result of the current open nature of the site.

The significance and setting of these heritage assets would remain clearly evident within the context and legible. This is considered in detail elsewhere within the report. Any harm would be modest and outweighed by the substantial regeneration benefits that the development of such a high quality scheme would bring to this area.

Viewpoints 3, 5, 7 and 11 are considered to be moderately or significantly beneficial as a result of removing the surface car parking and developing a high quality building that complements and reinforces the character of the Etihad Campus and Stadium. The Stadium remains the dominant building with the architectural language, scale,

materiality and lighting of the arena enhancing the campus and its position adjacent to the stadium.

Views 3 and 7, when modelled during the night-time, confirm the beneficial impacts by highlighting the dynamic character of the arena building with the campus and wider context.

### **Impact of the historic environment and cultural heritage**

The site is not within a Conservation Area but there are a number of Listed Buildings nearby that could be affected by the development.

The urban grain around the site is a mixture of low quality surface level car parking and cleared sites with numerous large scale buildings such as the Etihad Stadium, the regional arena, 10 storey apartment buildings and other sporting venues.

The site has historically been mined for coal. The Bradford Colliery was built in the late 18<sup>th</sup> Century and remained operational until the mid-1960s. The Ashton Canal was an integral part of the transportation of coal, and other goods into and out of the city.

An assessment of the impact of the development has considered a 1 km zone around the site. This has identified 13 listed buildings and 2 registered parks. These assets are as follows: Public Laundry (Grade II), Brunswick Mill (Grade II), Former Cotton Mill Immediately West of Brunswick Mill (Grade II), Ashton Canal Lock Number 8 (Grade II), Ashton Canal Lock Keepers Cottage on Southside of Lock Number 7 of Ashton Canal (Grade II), Ashton Canal Lock Number 7 with Roving Bridge Immediately East of Mill Street Bridge (Grade II), Ashton Canal Lock Number 6 Immediately East of Forge Lane (Grade II), Victoria Mill (Grade II\*), Entrance Lodge to Main Entrances of Phillips Park Cemetery (Grade II), Phillips Park (Grade II) and Phillips Park Cemetery (Grade II).

A Heritage Report has identified and assessed the heritage assets listed above and considers that 7 of these assets could be affected by the proposal as required by paragraph 128 of the NPPF. The impact on the setting of the identified heritage assets has also been evaluated within the townscape assessment above.

*Phillips Park (Grade II)* is a registered park and garden. Its significance is derived from being one of the first municipal public parks in Manchester. Many of the original features of the park remain including the serpentine paths and the amphitheatre (also known as tulip valley) although the bandstand, the glasshouses and two of the ponds are no longer in place. The setting of the park has evolved over time. Given the inward nature of the park's design, its wider setting makes a minimal contribution to its significance. Notwithstanding this, there are points where the park is close to the site. The current vacant nature of the site has a neutral contribution to the setting of the park.

*Phillips Park Cemetery (Grade II)* is a registered park and garden. Its significance derives from being the first municipal cemetery in Manchester. As with Phillips Park, the area around the cemetery has changed over the years. However, the mature

setting of trees and boundary walls, minimises the impact of the wider urban setting on the cemetery area and the current vacant status of the site has a neutral impact on the cemetery.

*Entrance Lodge to Main Entrance of Philips Park Cemetery (Grade II)* the significance of the Lodge principally relates to its connection to Philips Park Cemetery along with being of architectural merit. The lodges position on the junction of Alan Turing Way and Briscoe Lane results in the setting of the building being seen in the same context as the heavily trafficked Alan Turing Way, the buildings at the Etihad Stadium and the application site. The relevant distances of these features allows the listed building to remain fully legible in the street scene with only marginal impact on its overall setting.

*Ashton Canal Lock Number 6 (Immediately East of Forge Lane) (Grade II)* the significance of the asset relates to Ashton Canal which was built to supply coal from Oldham and Ashton under Lyne to Manchester and opened in 1796. Architecturally the use of pound locks were an example of the use of technologies employed at the time and which are still in use today. The Ashton Canal provides the main setting to the lock and from where the listed structure is best experienced. The wider setting has changed over time from the former industrial uses to the buildings and surface car parks associated with the Etihad Campus the latter of which, at best, has a neutral impact on the lock.

*Ashton Canal Lock Number 7 with Roving Bridge Immediately East of Mill Street Bridge (Grade II)* as with lock 6, the significance of asset is its relationship with the Ashton Canal and the mechanical operations of the lock. The urban environment around the lock has changed over time with high density residential accommodation now within its setting. The adjacent Lock Keepers Cottage (Grade II) is also seen within its setting and has group value. The site is situated within the background of the listed structure and its current vacant nature has a neutral impact on the setting of the lock.

*Ashton Canal Lock Keepers Cottage on South Side of Lock Number 7 of Ashton Canal (Grade II)* as with locks 6 and 7, the significance of the listed structure relates to its proximity and relationship with the Ashton Canal. The Lock Keepers Cottage was the home of the lock operator who was an integral part of lock safety. The principle facade of the cottage faces onto the canal which allows it to be appreciated when travelling in east/west directions. The cottage has been modified over the years which has diminished some of its architectural value. The setting has also been eroded with the development of the high density apartments which now form the backdrop to the cottage from within the canal corridor. The site has a neutral impact on the cottage from within the canal corridor due to its vacant nature.

*Victoria Mill (Grade II\*)* a former cotton mill and now in use as residential and offices. Although the building has been modified, its distinctive chimney and exterior remains largely intact. The setting of the mill has been altered over time with other mill buildings and infrastructure being demolished with the mill now being set adjacent to a children's playground and low rise residential context. The assets relationship with the Ashton Canal remains intact. The site is situated in the far background of the setting of the listed asset and due to this distance, and vacant nature, has a minimal impact on its setting.

The heritage assessment has considered the impact on the historic environment particularly within the key viewpoints that were identified as part of the townscape visual impact assessment.

The scale of the impact, together with the impact on the significance of the heritage asset, has been judged to result in a low level of harm to the setting and significance of the identified heritage assets (with this low level of harm being considered against the relevant tests within the NPPF). However, it is also acknowledged that there would also be some heritage benefits as a result of the scheme which principally derived from the removal of this vacant site from the setting of these heritage assets together with enhancements in the form of landscaping and improved setting as a result of the new building

The key conclusions and impact on the significance of the heritage assets, within the relevant viewpoints, are summarised as follows:

*Phillips Park (View 2)* the proposal would be visible when looking outwards from within the park due to the arena being present where there is currently an open vista.

Any impact on the setting and significance of the park should, however, be balanced against the evolution of development in this part of the city. The view examined within the heritage assessment represents one view amongst many from within the park. The setting of the park has been continually evolving from its industrial past to the most recent regeneration activity at the campus and surrounding area. The park's significance is also derived from providing an open, inward looking space for visitors to escape urban life. This significance would be retained with the development in situ with visitors being able to enjoy the key features of the space together with the arena representing another part of development evolution of this part of the city.

This overall effect is a low level of harm to the setting and significance of the heritage asset.

*Phillips Park Cemetery* there would be glimpsed views of the development from various points within the Cemetery. However, these would be limited, due to the distance and topography of the cemetery relative to the site, and depend on the time of year and resulting tree coverage. The impacts of the arena on the cemetery would be considered to be low level of impact with the arena representing the continuation of regeneration activity in the area.

*Entrance Lodge to Main Entrance of Phillips Park Cemetery (View 1)* the setting of the lodge would be materially affected by the proposal. The arena would form a visually dominant and modern addition to the street scene which would form the backdrop to the lodge. The arena would form a contrasting feature to the architecture of the lodge, and the historic setting of the cemetery. The long ranging views of the north stand of the Etihad Stadium would also be lost (which currently forms of the backdrop to the lodge albeit at a greater distance). This would result in a low level of harm to the setting of the lodge and cemetery from this view point,

however, it is considered that the historical and architectural significance of the lodge would remain legible and understood.

*Ashton Canal Lock Number 6 Immediately East of Forge Lane* would be seen in the same context as the proposed arena when viewed from the canal environment. This would result in a low level of harm to the overall setting of the lock and canal. The significance of the lock would not be materially impacted upon given its significance is derived from its mechanics and role within the Ashton Canal network which would remain understood and legible within this setting. The proposal would bring some heritage benefits to the lock and canal environment through the increase in surveillance to the area from footfall along the towpath, which would allow for an appreciation of the lock and canal, together with landscaping improvements on the southern side of the area which overlook the canal towpath.

*Ashton Canal Lock Number 7 with Roving Bridge Immediately East of Mill Street Bridge (View 6)* the lock significance is as a result of its relationship with the Ashton Canal and the mechanics and engineering of the lock. The proposal would be seen in the same context as the lock and canal, forming a large dominant background feature. This would result in a low level of harm to the overall setting of the lock and canal. The significance of the lock would remain legible and clearly understood both individually and as part of the wider canal network. As with lock number 6, it is considered that there would be some heritage benefits with greater public use of the canal network which would allow them to be appreciated.

*Ashton Canal Lock Keepers Cottage on South Side of Lock Number 7 of Ashton Canal (View 6)* the proposal is clearly visible forming a dominant feature alongside the cottage which would result in a low level of harm to its setting. The significance of the cottage is, however, derived from its association with the Ashton Canal and listed locks all which remain legible and understood as a result of the development. The vacant nature of the site an open backdrop to the listed cottage, has not always been the case given the industrial past of the site. The arena represents the next stage of development activity for this site and the regeneration of the area.

*Victoria Mill* the proposal would be slightly visible from Lower Vickers Street within Victoria Park resulting in some visibility whilst experiencing the setting of Victoria Mill. The relative distances between the proposal and the mill would therefore not result in a material impact on the setting of the listed building with the arena forming part of the varied buildings and forms in this part of East Manchester.

This major development would be seen in the same context of a number of heritage assets. It would, in most instances, result in a low level of *less than substantial harm*, as defined by paragraph 196 of the NPPF, to the setting and significance of the identified heritage assets. However, in each instance the heritage assets would remain legible and understood and outweighed by the substantial regeneration benefits that this development would bring. It is considered that this would provide the public benefits required by the paragraph 196 of the NPPF which outweighs any harm which arises. These public benefits will be considered in detail below.



## Assessment of Heritage Impact

The proposal would result in instances of low level of harm through changes to the setting of some listed buildings, listed locks and registered parks. These impacts are considered to result in a low level of harm to significance of some of the above assets and to fall within the category of less than substantial harm within the NPPF.

In these circumstances, it is necessary to assess whether the impact of the development suitably conserves the significance of the heritage assets, with great weight being given to the asset's conservation (and the important the asset, the greater the weight should be) (paragraph 193 NPPF). Any level of harm should be outweighed by the public benefits that would be delivered in accordance with the guidance provided in paragraph 196 of the NPPF.

The application site is a development site, as defined within policy EC7 of the Core Strategy and its current condition as a surface level car park at best has a neutral impact on the local area and the surrounding heritage assets as identified above. This proposal would regenerate this key site in line with Council policy and bring a new leisure and entertainment offer to the Etihad Campus. A high quality distinctive arena building would be developed and integrated into the existing infrastructure and public realm at the campus. It would be a complementary form alongside the other sporting buildings at the campus and would form a positive addition to the local area.

The development would result in £350 million of investment at the site and the creation of 3,350 full time equivalent jobs during the 3 year construction period. There would also be additional employment growth in the supply chain. Over 70 companies would be involved in the construction supply chain across Greater Manchester and the wider region together with approximately 700-800 companies across the North West and nationally. This would support up to 6,500 jobs as a result of the project.

Jobs would be targeted directly at Manchester residents. When the arena is operational there would be 47 full time and 1,038 part time positions created which equates to 585 full time equivalent jobs (directly) within a range of roles.

The building would also be designed with sustainability at its heart and would aim to be one of the best arena buildings in Europe and would comprise a high quality and innovative design.

Historic England have chosen to not comment on the development proposals for this site.

The visual and heritage assessments undertaken demonstrates that a low level of harm to the surrounding heritage assets would arise in most instances. This is as a result of the development being viewed in the same context as the listed buildings/structures and park/cemetery. The level of harm is considered to be low level as the significance of the heritage assets would remain legible and understood both individually and where there is group value. The development must also be understood in terms of evolution of the site and the change in built form which has

occurred over many years. Previous development would have had a similar relationship and impacts with these heritage assets.

Mitigation and public benefits are derived from the continued regeneration of East Manchester which would bring jobs and support supply chains both locally and regionally. The proposal would also be high quality in both its architecture and contribution to public realm, which would also bring its own heritage benefits. The building would also be one of the best arenas in Europe using the most up-to-date technologies to ensure it is highly sustainable and minimises its contribution to the climate in the form of carbon emission and the manner in which its energy usage is generated.

Whilst there would be some heritage impacts, this would be at the lower end of less than substantial harm with the significant public benefits associated with this development more than outweighing this low level of harm.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings as required by virtue of S66 of the Listed Buildings Act, and paragraph 193 of the NPPF, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraph 196 of the NPPF.

### **Impact on Archaeology**

There are no archaeological investigations required as part of this planning application as this has been dealt with by previous schemes. Accordingly, GMAAS advise that no archaeological mitigation is necessary.

### **Impact on the highway network/transport/car parking issues/sustainable travel**

The site is highly accessible with tram and bus routes and walking and cycling routes that integrate the area and the Etihad Campus, to the city centre and beyond. The site is 200 metres from the Etihad Metrolink Station which provides tram services to the city centre. Manchester Piccadilly station is a 25 minute walk. There are bus stops on Alan Turing Way, Ashton New Road and Bradford Road/Briscoe Lane.

Newton Heath, Clayton, Openshaw, Ardwick, city centre and Miles Platting are all within 25 minutes walking distance. Cycle infrastructure on Alan Turing Way and the Ashton Canal towpath form part of the National Cycle Network. There are 272 cycle spaces at the Etihad Campus (in the form of Sheffield Stands) with further provision at the Tennis and Football centre entrance and Etihad Metrolink stop. The city centre is a 10 minute cycle ride with Ashton-Under-Lyne and Stockport being access within a 10-20 and 20-30 minute cycle ride respectively. Ashbury, Ardwick and Piccadilly Train Stations are all within a 10 minute cycle ride. The site would also benefit from any extension to the cycle and walking network through the bee network.

The arena would be the most sustainable in the UK and a travel plan would promote non car journeys. The location of the arena at the Etihad Campus, would comply with the NPPF which states that significant developments such as this should be

focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes (paragraph 103).

A transport assessment has been prepared as part of the Environment Statement which considers the transport implications of the development, which is to minimise the impacts of movements generated by development, and those at the campus, on the local area by promoting sustainable travel.

A typical arena event capacity would be between 16,000 and 20,000 (with maximum capacity of 23,500 on a limited number of occasions). This is significantly lower than a capacity event at the Etihad Stadium which currently has a capacity of 55,017 (rising to 62,170 with the expansion of the north stand). The arena would be operational all year round with approximately 120 events taking place with the potential to rise annually. Arena events would attract significantly lower crowds and movements than a football event at the stadium albeit on a more frequent basis.

There may be occasions where more than one event is held on a day, matinee and evening events (although these are expected to be lower capacity). In addition, there may be occasions where an arena event coincides with matches at the Etihad Campus. Where possible events would not be scheduled on the same day as stadium events in order to minimise impacts. In addition, should there be an event at both venues on the same day, it does not necessarily mean that arrivals or departures from the venues would be taking place concurrently. There are a range of potential event time combinations for the Stadium and the arena, the majority of which would result in little or no overlap between the arrival and departure of visitors to the two venues.

The worst case scenario represents around 10-15 events per year occurring at the same time. A third of coincided events are expected to take place on a weekday evening and thereby coinciding with rush hour traffic. The specific operational impacts of such events are considered in detail below.

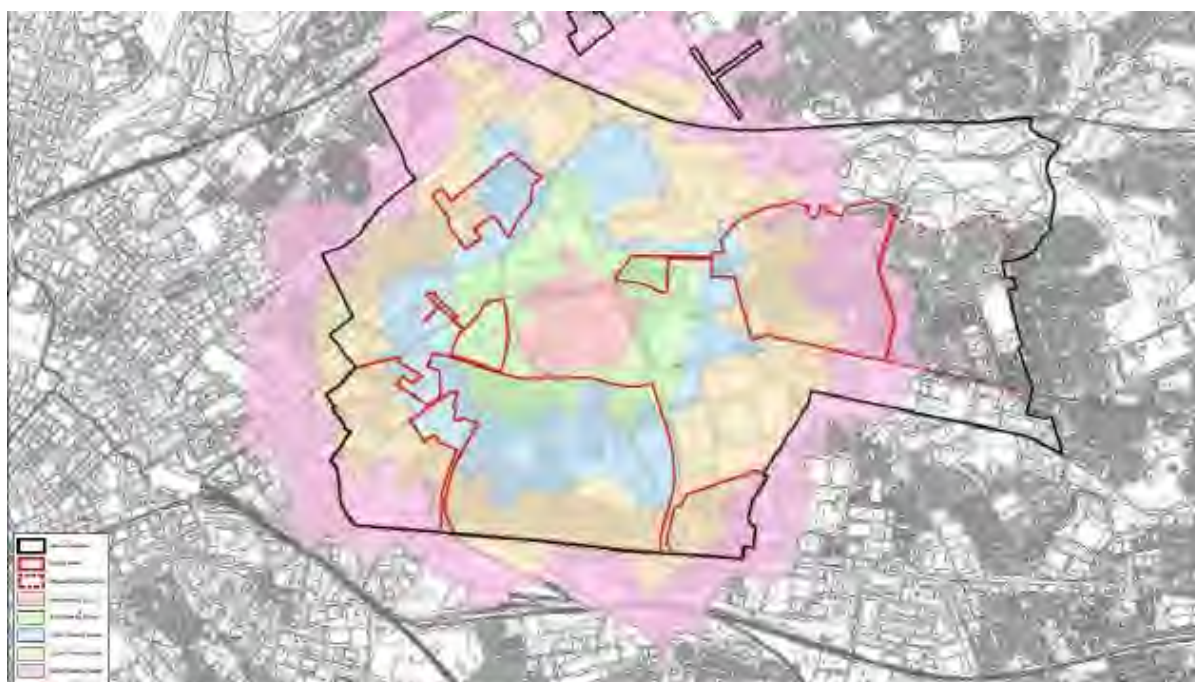
A variety of transport initiatives are in place which support movements to and from the Etihad Stadium. This proposal would build upon these measures by providing enhancements which would support the operation of the arena, the campus and connections to the city centre as part of minimising the impact on the local area.

There would be no additional onsite parking and the development would result in the loss of an 500 space surface car park. Surface car parks are available to the north of the Etihad Campus which are utilised on match days but would also be available for use by the arena. 3,000 spaces would be available when only an arena event is taking place. This would reduce to 500 spaces when an arena event runs in parallel with an event at the Etihad Stadium. The travel plan would, however, aim to reduce car journeys to the site.

These car parking spaces would only be available on a pre-booked basis and only shortly before an event to prioritise the football events. At the point of sale, messaging would encourage spectators to use sustainable modes of travel.

These car parks are part of the wider development strategy for the campus and fall within the strategic area identified by policy EC7 of the Core Strategy. It has been demonstrated that the arena can operate successfully without any on site parking through a comprehensive package of measures that promote non car journeys to this highly accessible and well connected location.

There would be an increase in people at the area when an arena event takes place at the same time as a stadium event and it would be necessary to minimise the impact of this on surrounding communities. A Residents Parking Zone (RPZ) operates on stadium event days. In order to minimise the operational impacts of an arena and stadium coincided event, it is necessary to review and expand the RPZ. The enhanced RPZ would operate across a broader geographic area and seven days a week, at hours which include evening event times, to protect communities from on street parking.



### ***Indicative Residents Parking expansion***

A special event operational plan would be put in place. This would include a targeted communication strategy to encourage attendees to use sustainable transport. It would advise that there is a stadium and arena event on at the same day and provide details on the transport modes to the campus, that no onsite parking is available (unless pre-booked and would not be released for booking until shortly before an event to discourage use) and advising that an RPZ is in operation.

The operational management of such a scenario would minimise overlap between arrival and departures times and there would be flexibility to adjust arena event stage times to achieve this, with a strategy in place to advise attendees of these changes in advance in order to influence arrival times.

Where necessary and appropriate, there would be enhancements to the capacity of public transport from the city centre, delivered in collaboration with TfGM, including

ensuring that every possible Metrolink service was operated by a double unit together with shuttle buses between the city centre and park and ride sites (and potentially other public transport interchanges).

There is also potential to consider integrated ticket packages which promote sustainable travel. Enhanced marshalling would also take place on key walking and cycling routes.

The food and beverage offer at the site would also increase dwell time at the arena and manage crowd flows and staggering of arrival and departure times. Analysis predicts that on major event days, spectators are likely to start arriving 2-3 hours before the start of a concert in order to secure a position close to the stage. However, it is unlikely that all spectators would arrive early. For a 19:00 event, estimates predicts that 30% of arrivals would arrive between 17:00 -18:00, 30% 18:00 -19:00 and 40% 19:00-20:00 with assumed spectator departure times of 100% at 22:00 – 23:00.

This reflects the fact that there would be people who would want to arrive early to stand near the front and that there would be people who leave arrive nearer the start time after eating and drinking in the city centre. A similar effect occurs on match days at the stadium.

There are also be spectators who have made an arena event as part of day trip or weekend away, so are likely to arrive early and experience the city centre.

All these behaviours are already evident on match days and with the benefits being seen on city centre hotels, bars and restaurants. This in turn impacts on the travel peaks to and from the campus.

The proposals are also likely to increase usage of the nearby rail stations both as an interchange to tram services or to facilitate walking to the campus (for example from Ashbury Station). This increase footfall would have a positive impact on the stations through increase ticket sales allowing further investment in these stations where necessary and appropriate.

In conjunction with the RPZ and the operational management plan, there would also be a series of other transport mitigation measures to support sustainable travel to the arena with the sole aim of reducing car journeys to the site.

As different spectator demographics could affect the community in different ways, a community liaison team would be established to tailor operational responses. This would include monitoring, review and implementation of measures depending on outcome and experience once the arena becomes operational.

Technology and digital platforms would communicate travel options and inform spectators of their travel options and provide real time information about tram, rail, bus and shuttle bus services. This would advise spectators to arrive early and stay after events to reduce peak impacts on movements on the various mode networks.

Walking routes between the city centre (from Great Ancoats Street) to the Etihad Campus would be improved. This includes the Ashton New Road, City Link and Ashton Canal Towpath routes. 240 covered cycle spaces would be installed in close proximity to cycle routes to the campus.

Modifications are also required to the junction of Gate 1 and Alan Turing Way to allow left in left out traffic movements, improved cycle way, widening of the footway for crowd control thereby reducing Sportcity Way to 3 lanes and creation of a managed service vehicle route. There would also be a new emergency vehicle access from Alan Turing Way and provision of bollards (fixed and retractable) to protect crowds. The modifications would improve accessibility at the arena, and Campus, for servicing vehicles together with enhancing the pedestrian and cycling environment. These arrangements are acceptable to Highway Services.

Pick up and drop off arrangements would utilise the existing arrangements on Rowley Street and extend the area the full width of this road and along Phillips Park Road together with enhanced marshalling. The promotion of the pickup and drop off arrangements would also form part of the communication strategy, particularly for events which are targeted at younger audiences.

Modelling of the local highway network has been undertaken including in the worst case scenario (i.e. a full capacity arena event coincided with a full capacity stadium event). This has demonstrated, to the satisfaction of Highway Services, that there are no unduly harmful impacts on the network and all junctions continue to function.

The implementation of the enhanced RPZ, and other sustainable transport mitigation measures, would reduce car journeys. The modelling demonstrates that car journeys for arena events could be some 12-15% lower (depending on whether these are weekday or weekend events) than those recorded for the Etihad Stadium. It is also anticipated that this would be a downward change as further improvements are made to public transport, walking and cycling infrastructure in the city and the downward trends in car ownership and use.

Servicing would take place off Sportcity Way and directly into a servicing yard to the east of the arena. It would be large enough for storage and for eight vehicles to load directly onto the event floor and is suitable from a highways perspective.

### **Accessibility**

The arena would be inclusively designed to ensure it is an accessible environment for all users in line with the Equality Act. All internal and external areas have been designed with suitable gradients and ramps for level access. There would be escalators and lifts alongside the main staircases together with assistance dog recreational areas, multi-faith room, signage and wayfinding, sound reinforcement and hearing enhancement systems and accessible parking arrangements.

There would be 118 permanent wheelchair positions at level 1 of the auditorium and a further 8 at level 3 which are distributed throughout the arena. This follows relevant guidance for an arena capacity of 15,000.

For a maximum capacity event of 23,500 the number of wheelchair positions would increase to 154 would be accommodated within the event floor area. Additionally, each suite would be able to accommodate at least one wheelchair user and each of the 'lounge Clubs' would be able to accommodate at least two wheelchair users for each of the four clubs.

The arena would have 52 demarcated spaces for disabled people in the north car park close to the principal arena entrances. There would be 83 accessible parking spaces and 91 spaces for ambulant disabled people within the orange car park with direct access to the south side of the arena via Forge Lane Bridge. A portion of these space would be beyond 50 metres. All parking for the arena would be managed and on a pre-booked basis which would ensure that those which require assistance can be prioritised for those with the greatest need.

It is acknowledged that future development activity at the campus may result in the loss of these surface level car parking spaces. In order to ensure that parking provision for disabled people is not reduced, a condition would require ongoing review to ensure it is available for arena events.

## **Ecology**

An ecological mitigation report concludes that the development would not result in any significant or unduly harmful impacts to local ecology given the current condition of the site as car park. Greater Manchester Ecology Unit concurs with the findings.

Scrub vegetation and trees would be removed. No protected species or nesting birds were identified at the site and therefore provided the vegetation is not removed in bird nesting season there is no particular risks in this regard.

The report acknowledges the close proximity of the development to the Ashton Canal. Mitigation must ensure that there are no leaks or debris into the canal during the works or drainage or surface water run-off into the canal. Impact of lighting on the canal also requires consideration.

The loss of green infrastructure is mitigated by the landscaping which includes tree and shrub planting, with wildflower planting to the canal and green screens to Alan Turing Way. This would enhance the green infrastructure and biodiversity at the site in line with policy EN9 of the Core Strategy.

The canal would be protected from the effects of construction activities through a construction management plan which would be secured by planning condition. In addition, the drainage strategy would ensure that there is no run off or drainage into the canal area.

## **Trees**

There are 22 individual trees, 9 group trees and shrubs at the site. 16 trees would be removed (14 category B and 2 Category C) and 6 group of shrubs/small trees (category C). This would include the lime trees to Alan Turing Way.

This loss of green infrastructure can be mitigated through the enhanced landscaping proposals which include 1208 sqm of wildflower planting to the Ashton Canal, 681 sqm of shrub (ornamental and native) planting beneath the tree planting, 1916 sqm of green screen to the eastern, southern and western boundaries and 67 trees of native and non-native species and bird and bat boxes along the canal edges. These measure would increase biodiversity and would be agreed by planning condition.

### **Contribution to Improving Permeability, Public Spaces and Facilities and Provision of a Well Designed Environment**

The public realm and landscape strategy would provide spaces and the setting for the building and provide space for crowd management. It would improve connections with the wider Etihad Campus.

The main access to the arena would be from Joe Mercer Way. A podium would be created to the south and east of the arena, alongside Joe Mercer Way and the Ashton canal, which would provide level access. New hard standing, soft landscaping, seating and wayfinding would be included.

Wildflower planting would be incorporated into the embankment of the Ashton Canal and green screens and decking would enhance the interface with the canal and improve biodiversity. Seating would overlook the canal and this area would also provide an attractive space on non-event days as a result of a double sided food and beverage facilities along the south side of the arena which would open up and activate the canal and public realm. Two stream litter bins within the public realm podium would encourage recycling.





***South side of the arena with the new landscaping and wildflower planting to the canal and food and beverage kiosks***

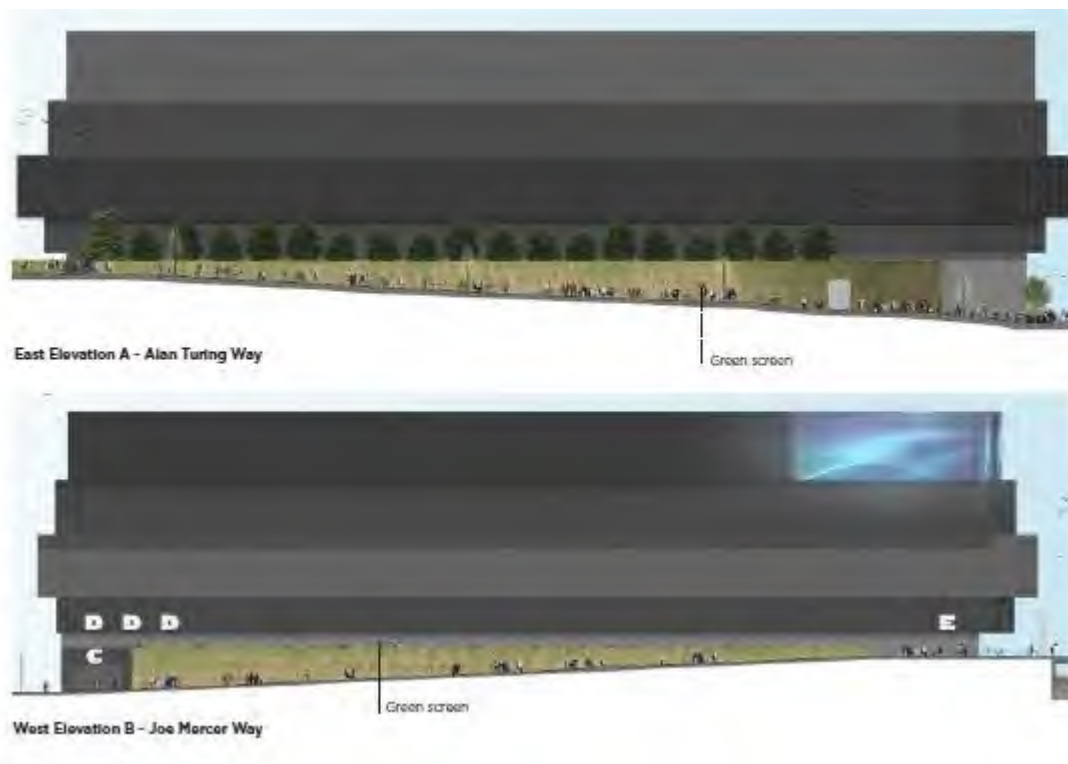


***Proposed landscaping scheme***

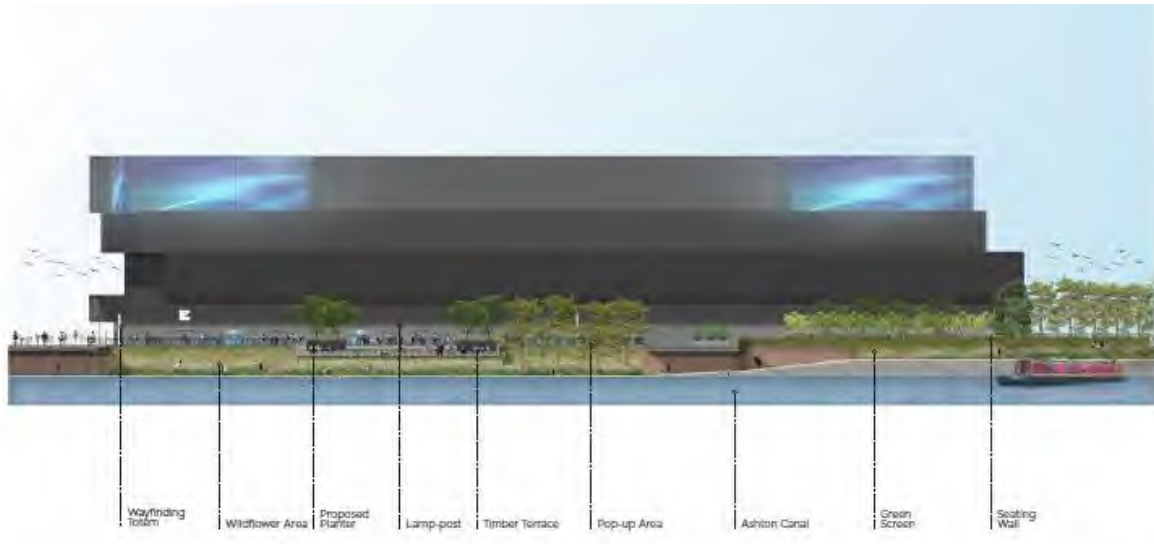
There would be a 'green ring' of infrastructure around the arena to improve the landscape and biodiversity. 67 trees would be planted and all boundaries would be softened by landscaping and green screens. The Joe Mercer Way boundary is treated with a green screen to provide soft landscape and address the level change.

Green screens on Alan Turing Way would provide a buffer to the podium and the heavily traffic road. This would improve the pedestrian footpath along Alan Turing Way and provide a screen to the compound behind.

The number of vehicle lanes on Sportcity Way would be reduced to create a widened footway adjacent to the arena. This would support crowd flow, create a VIP drop off area and provide a barrier between vehicles and pedestrians. It would be possible to close Sportcity Way to traffic when required. Raised planters and trees would complete the green ring around the building.



***Landscaping and green screens to Alan Turing Way and Joe Mercer Way***



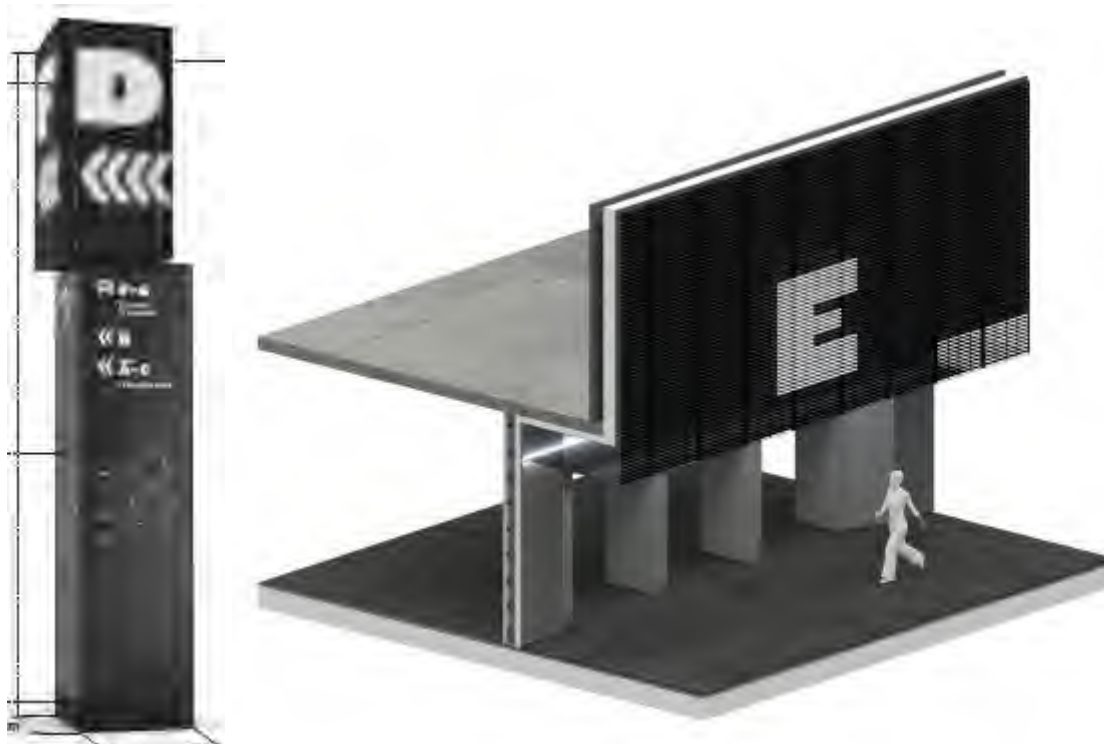
### ***Landscaping and planting to Sportcity Way***

#### **Signage and wayfinding**

The arena building would be supported by a variety of wayfinding and building signage to help support crowd and pedestrian movements within the public realm.

All building entrances would be highlighted using high level signage which can be seen from a distance to help with navigation. These entrance signs would utilise the same technology as the upper levels of the building which provide continuity and allows the signs to be switched off when not in use. The entrances would also be supported with internally illuminated static door signage which would provide additional information on arrival. 6 totem signs that complement the architecture of the arena would be located within the public realm to guide visitors around the development.

Five of the totem signs would be digital with a screen located within the upper section and would measure approximately 4.5 metres in height. These screens would provide information about accessing the arena, and the Etihad Campus, as well as displaying information in an emergency. The illumination of the totems would be no greater than 600 cd/sqm. The totem would be four sided with a steel frame and powder coated black. These would be position on the junction of Joe Mercer Way and Sportcity Way with the remainder located within the podium area to the south the arena.



***Example of a digital totem sign and building entrance signage***

There would also be one static totem (approximately 3 metres in height) and this would be located on Sportcity Way. This would be similar in appearance to the digital totems and would provide wayfinding information.

There would also be some feature 3D lettering introduced to the podium area adjacent to the canal. This features also forms part of the wind mitigation measures. The lettering would be constructed of mirrored glass and polished steel and at night they would be lit with LED lighting.

It is also intended that the roof would feature some branding in the form of naming of a selected branding partner. It is anticipated that this would be flush to the roof and would not be visible from the ground level.

The operations of the arena would also take advantage of technology through smart wayfinding through the use of bespoke mobile applications. This would provide information on accessible wayfinding support, live queue information, together with live egress and transport information.

**Effect of the development on the local environment and existing residents**

**(a) Sunlight, daylight, overshadowing and overlooking**

A daylight and sunlight report considers the impact of the arena on the daylight and sunlight availability to the Stuart Street apartment building, which is located on the opposite side of Alan Turing Way, and the impact on light on Philips Park and the outdoor playing surfaces of the Manchester Regional Tennis Centre.

The assessment shows that there would be no adverse effect on either light from the sky or direct sunlight at the Stuart Street apartments. There would be no shading on the south west corners Philips Park or the outdoor playing surfaces at the tennis centre and would therefore meet the recommended 2 hours of sunlight on at least 50% of their area.

There would be no overlooking from the arena to nearby residential accommodation.

(b) TV reception

A TV reception survey has concluded that there is likely to be minimal impact on digital television services or digital satellite television services but should any arise it could be mitigated through antenna upgrade or realignment of the transmitter. A condition would require of a post completion survey to be undertaken to verify that this is the case and that no additional mitigation is required.

(c) Air quality

The site is located adjacent to an Air Quality Management Area (AQMA), due to the proximity to Alan Turing Way, where air quality conditions are known to be poor as a result of vehicular emissions. An air quality report, which forms part of the Environmental Statement, considers the impact of the construction and operational phases of the development on local air quality conditions.

During the construction phases there could be impact from dust, earth works/construction and vehicle emissions which would be minimised through good practice which should remain in place for the duration of the works and should be a condition of the planning approval through a robust construction management plan.

The proposal would result in the loss of a 500 space car park from the Etihad Campus and the arena would have no dedicated on site car parking. The arena would be supported by a travel planning strategy and operational management plan which would discourage car journeys and promote walking, cycling, tram or rail. A package of measures has been agreed to enhance the attractiveness of these alternative travel modes which build upon the measures already in place to support alternative travel for football spectators. 240 covered cycle spaces would be created across the Etihad Campus.

Environmental Health concur with the conclusions and recommendations within the air quality report that the proposal would have a negligible impact on local air quality conditions as a result of the loss of the existing car park together with the mitigation measures would be secured by planning condition. The proposal would comply with policy EN1 6 of the Core Strategy, paragraph 8 of the PPG and paragraph 124 of the NPPF in that there will be no detrimental impact on existing air quality conditions as a result of the development.

#### (d) Wind environment

A wind assessment has assessed the potential effects of the arena on the wind environment and mitigation measures which would be required to minimise the impact on the wind microclimate.

The assessment shows that generally the development would result in the areas around the arena being suitable for sitting and standing with all the entrances being located in suitable positions. The surrounding roads would remain safe for their intended use as would the walk ways around Philips Park and Cemetery and the car parks to the north of the site.

During the winter months, some of these areas are more exposed to adverse weather conditions, particularly the podium areas, the areas at the southeast and southwestern corners of the podium (particularly near to the canal towpath) and on the opposite side of Alan Turing Way near to the Stuart Street apartments.

In order to improve the conditions within these areas landscaping is proposed within the southern edge and eastern side of the podium. The assessment demonstrates that with mitigation in place, the wind conditions at the site, and within the immediate area, improve considerably with the podium now suitable for use all year round.

The report concludes that there are no detrimental or harmful impacts and the wind conditions at all thoroughfares, entrances and amenity locations are all considered to be within acceptable limits for their required use.

#### (e) Lighting

A lighting assessment forms part of the Environmental Statement. This identifies a number of sensitive receptors which are within 500 metres of the site and could be affected by the lighting scheme for the development. These are, Philips Park Cemetery, Philips Park, the residential properties along Alan Turing Way, the Ashton Canal, Alan Turing Way and the immediate environs around the site.

The urban nature of the application site means the area is already well lit from existing street lighting and high intensity building lighting from existing buildings within the Etihad Campus.

There would be some low illuminance lighting to support the construction activities at the site with the effect being temporary for the duration of the construction activities.

The proposal would introduce lighting to the public realm together with façade lighting in the form of three media LED screens (south west and south east corners on the southern elevation and south west corner on the western elevation) with an illuminance level of 4000 cd/sqm and architectural lighting to the building facades.

The signs would be located to the top box façade only taking advantage too the key pedestrian walkways to the site. These signs would have multiple purposes displaying naming rights, commercial advertising and information of performances

and events. This signage is also the subject of a separate advertisement application (ref.126432/AO/2020).

The screens would be contain static and moving images and would be visible from Alan Turing Way and the surrounding area.

Phillips Park Cemetery and Park are both areas of low illuminance and high sensitivity. The lighting assessment demonstrates that there would a negligible impact on the park as a result of the lighting proposals for the arena.

The impact on Alan Turing Way would be negligible given it is a well-lit environment in order to be safe for traffic use.

The low rise residential properties off Stuart Street would have direct views of the site and may notice the lighting system functioning, but should not be unduly effected by light spill and glare. The Stuart Street residential apartment building, due to its more prominent position along Alan Turing Way, would be more sensitive to the new lighting installations. The wildlife corridor along the Ashton Canal would also be sensitive to any new lighting installations.

The lighting system may also be noticeable to the nearby tram network and in the interest of the safe working of the tram, it would be paramount that the functioning of the lighting system would not cause a distraction to the tram driver.

The lighting scheme is an integral part of the building design. When the lighting scheme is in operation, it's functioning, changing of images and level of illumination would be noticeable to those who live, work and pass through this area. The extent of this would vary depending on the time of day, weather conditions and time of year.

In order to minimise the effects of the lighting scheme, this would be the subject of a control system which would allow the lighting to be dimmed depending on the level of daylight together with the frequency of the movement of the images. This would minimise the overall effects of the illumination and control the amount of light spill and glare in the local environment in order to ensure that there would be no unduly harmful impacts in this regard. The lighting control system should be agreed by planning condition.

### **Fume extraction**

Fume extraction would be required for the commercial operations within the arena. It is considered that a suitable scheme can be put in place and integrated into the scheme. In this regard, it is recommended that a condition of the planning approval is that the fume extraction details are agreed.

### **Noise and disturbance**

A noise assessment formed part of the Environmental Statement. This identifies that the main sources of noise would be from construction activities and associated traffic during the construction phase of the development together with operational impacts from entertainment noise out break from the arena and external crowd noise

together with noise from plant. The noise assessment has considered the impact from these noise sources on the nearest residential properties which are located on Stuart Street, Gibbon Street, Broxton Street and Briscoe Lane

Noise levels from the construction phase would be acceptable provided that the strict operating and delivery hours are adhered to along with the provision of an acoustic site hoarding, equipment silencers and regular communication with nearby residents. This should be secured by a planning condition.

When the arena is operational, the impact of the entertainment noise from within the arena auditorium has been considered. The arena design means that the auditorium would enclose the main stage and performance areas. This structure would significantly reduce noise transmission into the internal concourse areas, which surround the auditorium, which in turn would prevent any noise outbreak and unduly harmful impacts on the residential streets identified.

Noise from within the concourse areas themselves has also been assessed and this also concluded that the acoustic performance of these areas prevents any harmful noise outbreak from the concourse to the nearby residential properties.

The impact of crowd noise, from the external walkways and podiums on the south and eastern boundaries of the arena, has also been considered. Modelling of raised voices from a 23,500 capacity event demonstrated that there would be a negligible impact on the nearby residential streets which are separate by Alan Turing Way and other road infrastructure.

The plant specification for the arena has not yet been selected, however, it is considered that suitable mitigation can be put in place to ensure that there is no unduly harmful impacts in this regard. The mitigation should be secured by planning condition.

Provided that construction activities are carefully controlled and the plant equipment and arena is appropriately insulated to prevent noise outbreak, the proposal would be in accordance with policy DM1 of the Core Strategy, extant policy DC26 of the UDP and the NPPF.

### **Waste strategy and management**

The waste generated by the development would be separated at source into waste streams. A large proportion of the arena's waste would be generated in the concourses. Litter bins would be regularly emptied in order to prevent them from overflowing with the waste being transferred to larger bin store areas.

Waste generated within the food and beverage concessions would be sorted within the units themselves. The hospitality areas waste would be stored within the kitchen areas on each level. Waste would be moved around the building using the service lifts.

For a maximum capacity event, approximately 7,300kg of waste would be generated (4502kg residual, 1307kg recyclable, 726kg organics and 726kg glass).



A fully enclosed service yard is proposed to the east of the arena and would be accessed from Sportcity Way and would include the waste storage area.

Waste removal would integrate as much as possible with the strategy already in place at the Etihad Campus thereby utilising existing infrastructure. However, there would be provision for 17 x 660 litre Eurobins for recyclable waste, 15 x 240 litre Eurobins for organics and 15 x 240 litre Eurobins for glass within the arena compound area.

A proportion of waste would be moved directly to the Etihad Campus waste compound for collection via the bin compound on level 1 podium. The remainder of the waste would be compacted on site within two skip compactors each with a capacity of 11m<sup>3</sup> and collected from the service yard by private contractor vehicles accessing and exiting the service yard via Sportcity Way to the north. Access to the service yard would be controlled and secure, with vehicles stopped at a point external to the building to allow them to be identified and checked before entering.

Mixed recyclables, glass and organics would be removed from the bin compound using 3.5t box vans.

There would also be a requirement for waste collections/street cleaning on the surrounding streets after events. A similar arrangement currently exists for stadium events.

The waste strategy would meet Council standards and will form part of the conditions of the planning approval together with the securing the street cleaning after events as part of the legal agreement.

### **Water quality, drainage and flood risk**

The site is located in flood zone 1 'low probability of flooding' and within a critical drainage area where there are complex surface water flooding problems from ordinary watercourses, culverts and from the sewer network. An increase in surface water run-off and/or volume from new developments may exacerbate local flooding problems.

A flood risk assessment and drainage strategy have been prepared as part of the Environmental Statement and considered by the Environment Agency and the Flood Risk Management Team. This demonstrates that the proposal would not create any unacceptable flood risk or create flooding elsewhere subject to the implementation of a surface water drainage strategy (which reduces flow rates) and waterproofing of the basement attenuation tank and plant roof to prevent ingress.

It would also be necessary to ensure that during the construction phase of the development there are no spillages or leaks into the Ashton Canal or ground water from piling activities. In addition, there shall be no infiltration or run off into this area during the operational phases. This is to ensure that the water quality is not affected during these phases.

In order to satisfy the provisions of policy EN14 of the Core Strategy, it is recommended that the approval, verification and monitoring of the drainage forms part of the conditions of the planning approval together with measures agreed in respect of piling and construction management to prevent harm to ground and canal water quality.

### **Designing out crime**

A Crime Impact Statement (CIS), prepared by Design for Security at Greater Manchester Police, recognises that the development would bring vitality to this area whilst also recognising that there needs to be a robust building facade and security strategy to minimise risks and threats to the building and its users. Counter Terrorist Advisors have also been involved in developing the security strategy for the building.

The site would be covered by an extensive CCTV and lighting system for the building and external areas which would remain operational on non-event days. The Etihad Campus also benefits from existing on site security arrangements which the arena would benefit from including on site security presence.

The public realm and the number of entrances and exits to the arena have been carefully designed in order to manage crowd flows and pedestrian movement together with mass entrance and exit to the building. Search and screening would be in operation at the arena together with the use of walk through metal detectors. The arena would operate a no bag policy with the exception of a small bag which would be the subject of a search. Crowd management and safety would be a key part of any future event management at the site.

Physical measures in the form of a separate and secure servicing yard in the north eastern part of the site together with careful consideration of the quality of the building facades/windows, landscaping and position of cycle provision would be designed to respond to safety and security considerations.

It is recommended that a condition of the planning approval is that the CIS is implemented in full as part of the development in order to achieve Secured by Design Accreditation.

### **Ground conditions**

There is known contamination at the application site, from previous industrial uses, together with recorded and unrecorded shallow coal workings from previous mining activity.

A ground conditions report and a coal mining risk assessment have been submitted. It is also noted that a separate planning permission has been sought for the site investigations and remediation works including trial piling, grouting of coal seams and mineshaft capping and other associated works under 127534/FO/2020 which is still under consideration.

The works to the coal seams and mineshaft should be carried out and verified in accordance with planning permission 127534, where possible, before any works are carried out for the proposed area.

Further details are required in respect of gas monitoring together with a remediation strategy in order to ensure that the site is appropriately remediated of the contamination. A verification report should be provided once the remediation works have been completed.

The approach for the contamination and coal mining should form a condition of the planning approval in order to comply with policy EN18 of the Core Strategy.

### **Construction Management**

Measures would be put in place to help minimise the impact of the development on local residents such as dust suppression, machinery silencers and use of screenings to cover materials. Plant would also be turned off when not needed and no waste or material would be burned on site.

There is unlikely to be any cumulative impact from the construction elements of the development. There is a limited amount of construction activity within this part of the city and due to the close proximity to major roads, this would ensure such vehicular movements are able to quickly access the strategic road network.

Provided appropriate measures are put in place the construction activities are in accordance with policies SP1 and DM1 of the Core Strategy and extant policy DC26 of the Unitary Development Plan. However, it is recommended that a condition of the planning approval is that the final construction management plan is agreed in order to ensuring the process has the minimal impact on surrounding residents and the highway network.

### **Public opinion**

A variety of public opinion has been received in respect of this application. This opinion has expressed both support for the proposal, in terms of the social, economic and environmental benefits of the scheme, as well as objections in respect of the localised impacts on communities which live in close proximity to the site together with wider impacts on the Manchester Arena and the vitality of the city centre. Such opinion is only material where it raises land use and planning concerns which are detailed at the start of this report.

This report provides a detailed analysis of those comments and concerns. Whilst it acknowledged that there may be some localised impacts from comings and goings in the area when the arena is in operation, these would largely be confined to the campus itself and key routes to the site. An extended RPZ would protect surrounding roads together with other mitigation measures to encourage non car travel to the site.

The impacts on the Manchester Arena and the city centre are well documented in this report. The Manchester Arena is an important asset within the city's tourism

sector. There is a compelling and robust case for a second arena in Manchester, a model successfully adopted by other major cities both in the UK and globally. The regeneration benefits to East Manchester as a result are significant, particularly for local employment. Increased footfall and spend would occur in the city centre, particularly within the hospitality sector.

### **Aerodrome safeguarding**

Given the scale of the development, the proposal has been considered with regards to any potential impacts on aerodrome safeguarding. There are no safeguarding objections to the proposal subject to informative with regards to use of cranes.

### **Legal Agreement**

The proposal shall be subject to a legal agreement under section 106 of the Planning Act to secure the funding and delivery for a review and extension to the existing residents parking zone, an operational event management strategy, walking route improvement works, local labour commitments and waste management arrangements in mitigation of the various impacts outlined with the chapters of this report.

### **Conclusion**

The proposal conforms to the development plan taken as a whole as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 and there are no material considerations which would indicate otherwise.

The proposal aspires to bring the best arena in Europe to Manchester, attracting the world's top events within a building which sets new standards in terms of design and environmental sustainability. This represents a £350 million of investment into the city and East Manchester.

Significant market analysis underpins the case for a second arena in Manchester – a model which has been adopted, and thrived, in other UK and global cities. A second arena would capture a growing market in live entertainment within concerts/music, family entertainment and sport (including Esports) driving this demand.

A growing population and highly successful tourism and economy make Manchester, and the Etihad Campus, an ideal location for the arena. The campus has an international profile for sporting events, which the arena would capitalise on, which would further drive forward the regeneration of East Manchester bringing jobs and economic growth to the area. This is wholly consistent with strategic planning policies for the site and the long term regeneration objectives for the area as outlined within the Manchester Core Strategy (policies EC1, EC3 and EC7) and significant weight should be given to this (paragraph 80 of the NPPF).

The investment to Manchester as a result of the arena development would be central to the 'levelling up' agenda and prevent more market share being lost to London and other cities.

Sequential testing has demonstrated that no other site is available or suitable and the out of centre location of the Etihad Campus provides a highly sustainable and well connected site with an international profile for sporting excellence with a long held planning policy priority to deliver a major leisure facility at the campus. There is a compelling case for the second arena which is robust and would not significantly impact on the Manchester Arena or the city centre (paragraphs 86, 87 and 89 of the NPPF) and a refusal based upon paragraph 90 of the NPPF is not warranted. Whilst there could be localised impacts upon parts of the City, and some diversion of trade from the existing arena, the City Centre overall would benefit from the proposals and the test under paragraph 89 is the effect upon centres as a whole. No other centre would be significantly adversely affected.

A comprehensive travel plan and extension to the RPZ would support non car journeys to the site and fully exploit the significant level of infrastructure at the site which would encourage walking, cycle, tram, rail and bus journeys to the arena (paragraphs 103, 105 and 111 of the NPPF).

An outstanding and innovatively designed building would be developed at the site which sets new standards for sustainability for UK arenas (paragraph 131 of the NPPF).

Careful consideration has been given to the impact of the development on the local area and it has been demonstrated that there would be no unacceptable impacts as a result of the development on noise, air quality, water management or wind conditions. Waste can be managed and integrated into the Etihad Campus system.

There would be some localised impacts on the historic environment with the level of harm being considered low, less than substantial and significantly outweighed by the public benefits which would be delivered as a consequence of the development socially, economically and environmentally: S66 of the Listed Buildings Act (paragraphs 193 and 196 of the NPPF).

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation**      **Minded to Approve subject to the signing of a section 106 agreement with regards to the review and expansion of the existing Residents Parking Zone (RPZ), an operational event management strategy, walking route improvement works, local labour commitments and waste management arrangements**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions took place regarding the siting/layout, scale, design and appearance of the development along with matters such as the market case for two arenas in the City of Manchester, sustainability of the arena, noise and impact on the local highway network (including travel planning). The proposal is considered to be acceptable and therefore determined within a timely manner.

### **Reason for recommendation**

#### **Conditions to be attached to the decision**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

#### Drawings

BRA-POP-XX-XX-DR-A-0600 Rev 00, BRA-POP-XX-01-DR-A-0632 Rev 00, BRA-POP-XX-01-DR-A-0633 Rev 00, BRA-POP-XX-XX-DR-A-0605 Rev 00, BRA-POP-XX-XX-DR-A-0606 Rev 00, BRA-POP-XX-XX-DR-YW-0660 Rev 00, BRA-POP-XX-DR-A-0623 Rev 00, BRA-POP-XX-ZZ-A-0624 Rev 00, BRA-POP-XX-ZZ-DR-A-0625 Rev 00, BRA-POP-XX-ZZ-DR-A-0626 Rev 00, BRA-POP-XX-ZZ-DR-A-0627 Rev 00, BRA-POP-XX-ZZ-DR-A-0628 Rev 00, BRA-POP-XX-ZZ-DR-A-0630 Rev 00, BRA-POP-XX-ZZ-DR-A-0631 Rev 00, BRA-POP-ZZ-01-DR-A-0613 Rev 00, BRA-POP-ZZ-DR-L-0652 Rev 00, BRA-POP-ZZ-01-DR-L-0654 Rev 00, BRA-POP-ZZ-01-DR-L-0656 Rev 00, BRA-POP-ZZ-02-DR-A-0614 Rev 00, BRA-POP-03-DR-A-0615 Rev 00, BRA-POP-ZZ-04-DR-A-0617 Rev 00, BRA-POP-ZZ-05-DR-A-0619 Rev 00, BRA-POP-ZZ-GF-DR-A-0611 Rev 00, BRA-POP-ZZ-GF-DR-L-0651 Rev 00, BRA-POP-ZZ-GF-DR-L-0653 Rev 00, BRA-POP-ZZ-M0-DR-A-0612 Rev 00, BRA-POP-ZZ-RF-DR-A-0620 Rev 00, BRA-POP-ZZ-ZZ-DR-A-0629 Rev 00 and BRA-POP-ZZ-ZZ-DR-L-0650 Rev 00

All stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020

### Supporting information

Response to representations Volumes 1 and 2 prepared by Deloitte stamped as received by the City Council, as Local Planning Authority, on the 30 July 2020

Environmental Statement – Chapter 10 (Supplementary Noise Note) and Chapter 12 (Supplementary Transport Note) stamped as received by the City Council, as Local Planning Authority, on the 17 June 2020

Environmental Statement (main report) – Construction management and phasing, Air Quality and Dust, Ground Conditions, Townscape and Visual Impact, Noise and Vibration, Socio-Economic, Traffic and Transport, Water Quality, Drainage and Flood Risk, Wind Microclimate and Climate Change) stamped as received by the City Council, as Local Planning Authority, on the 29 April 2020.

Stage 1 Road Safety Audit – design team response prepared by Curtins stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020

Design and Access Statement Ref. BRA-POP-ZZ-ZZ-RP-A-7061 Rev 000 prepared by Populous, Heritage statement prepared by Deloitte, Daylight and Sunlight report prepared by BuroHappold (ref. 0042841), Ventilation Strategy prepared by ME Engineers, Tv Reception Survey prepared by SCS (Ref: 157929), Sustainability Statement (Rev o07) plus appendices prepared by BuroHappold, Statement of Community Involvement, Sequential Test prepared by Deloitte, Planning Statement prepared by Deloitte, Operating Schedule and EMP prepared by Laudation, Crime Impact Statement Rev D (ref. 2019/0841/CIS/01) and Broadband Connectivity Report prepared by ME Engineers stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020

Appendices to Environmental Statement (including construction management plan (5.1), construction assessment methodology (6.1), traffic data (6.2) receptor locations (6.3), construction traffic modelling results (6.4), model verification (6.5), operational modelling results (6.6), geo-environmental and geo technical desk study (7.1), coal mining assessment (7.2), ground engineering interpretive report (7.3), market case volume 1 and 2 (8.1), economic impact of two arena in Manchester (8.2), exterior lighting assessment (9.1), highway safety report (9.2), noise and vibration (noise survey results) (10.1), noise and vibration (construction traffic noise) (10.3), townscape baseline effects (11.1), townscape baseline figures (11.3), TVIA viewpoints (11.4), transport assessment and transport assessment addendum (12.1), framework travel plan (12.2), flood risk assessment (13.1), drainage strategy (13.2) and GHG emissions assessment (date inputs and assumptions) (15.1) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Prior to the commencement, a detailed construction management plan outlining working practices and highway management shall be submitted to and approved in

writing by the local planning authority, which for the avoidance of doubt should include;

- Display of an emergency contact number;
- Details of Wheel Washing;
- Dust suppression measures;
- Consultation with local residents/businesses;
- Measures to prevent leakages into the Ashton Canal, groundwater and culvert;
- Noise and vibration monitoring;
- Hoarding location and design;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff;
- Sheeting over of construction vehicles;
- Details to prevent any impact on tram infrastructure;
- Loading and unloading of plant and materials;
- Construction and demolition methods, including use of cranes, (which must not oversail the tramway)

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, highway safety, tram safety, air quality and water quality pursuant to policies SP1, EN17, EN16, EN19 and DM1 of the Manchester Core Strategy (2012).

4) Prior to the commencement of development, details of the method for piling, or any other foundation design using penetrative methods, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented during the construction of the development.

Reason - Piling or any other foundation using penetrative methods can result in risks to potable supplies (pollution/turbidity, risk of mobilising contamination) drilling through different aquifers and creating preferential pathways. It is therefore necessary to demonstrate that piling will not result in contamination of groundwater pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

5) The development shall be carried out in accordance with the flood risk assessment prepared by BuroHappold (ref. BRA-BHE-XX-XX-RP-CW-0131) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020.

Reason – In the interest of managing the flood risk at the development pursuant to policy EN14 of the Manchester Core Strategy (2012).

6) Notwithstanding the drainage strategy prepared by BuroHappold (ref. BRA-BHE-XX-XX-RP-CI-0132 Dr) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, (a) the development shall not commence until a



scheme for the drainage of surface water for the development has been submitted for approval in writing by the City Council as the Local Planning Authority. This shall include:

- Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within a Critical Drainage Area;
- No infiltration of surface water into the ground is permitted unless it can be demonstrated that there is no risk to ground water;
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building. Hydraulic calculation of the proposed drainage system;
- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements) wherever possible. Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site, and details of any mitigation measures provided where overland flow routes are unable to flow away from the building;
- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

(b) The development shall then be constructed in accordance with the approved details, within an agreed timescale.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

7) a) Notwithstanding the Geo Environmental and Geo Technical Desk Study stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, prior to the commencement of development hereby approved, the following details shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- Provision of the calibration certificate(s) for the gas monitoring equipment to cover the entire monitoring period;
- Submission of a remediation strategy.

The development shall then be carried out in accordance with the approved remediation strategy.

b) A Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, prior to the first use of the development.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then associated works shall cease and/or the development shall not be occupied until, a report outlining what measures, if any,

are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

8) Prior to the commencement of development, samples and specifications of all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The specification shall include the agreement of a materials panel which shall include samples and specifications of all materials to be used on all external elevations of the development along with reveals, jointing and fixing details, details of the drips to be used to prevent staining, soffits, ventilation/louvre details, air bricks and a strategy for quality control management.

The approved materials used shall then be implemented as part of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Manchester Core Strategy (2012).

9) (a) Notwithstanding the Coal Mining Risk Assessment (31 January 2020) prepared by Buro Happold Engineering and Method Statement for Proposed Grouting Works (03 July 2020) stamped as received by the City Council, as Local Planning Authority, on the 22 July 2020, prior to the commencement of the development, further intrusive site investigations relating to previous coal mining activity shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a detailed remediation strategy should intrusive investigations identify that coal mining legacy on the site poses a risk to surface stability. These findings shall be supported by a plan which shows the location of all mine entries established as being present on the site and shall define the calculated zones of influence for these features.

The approved strategy shall be implemented in accordance with the approved details.

(b) prior to the first use of the development, a verification report shall be submitted for approval in writing by the City Council, as Local Planning Authority, in order to confirm completion of the remediation scheme in accordance with previously approved details.

Reason - To ensure that the coal mining legacy at the site is appropriately considered and remediation and mitigation is secured pursuant to policies EN18 and DM1 of the Manchester Core Strategy (2012).

10) No vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the removal works including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

11) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy (2012).

12) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises shall only be used as a multi-use arena (Use Class D2) (61082 sqm) with ancillary use of its facilities (Use Classes A1, A3 and A4) as specified in a strategy to be submitted and approved in accordance with Condition 15, and for no other purposes.

Reason - To ensure that the arena is used solely for the intended purpose to safeguard the character of the area pursuant to policies SP1, EC7 and DM1 of the Manchester Core Strategy (2012).

13) The arena capacity hereby approved shall not be used by more than 23,500 spectators at any time and there shall be no more than 15 arena events per year which take place day at the same time as events at the Etihad Stadium (of which no more than 5 would coincide with the evening peak).

Reason - For the avoidance of doubt and to ensure no unacceptable impacts with regards to noise and operational impacts on the residential amenity pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

14) The arena shall be open for event and hospitality use in accordance with the days and hours as specified in the approved Operating Schedule and Event Management Plan v 1.3 prepared by Laudation stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020, which shall include normal operation for events and hospitality between the hours of 0900 and 0000 Monday to Sunday.

In the event that there is a requirement to operate the arena or hospitality facilities beyond these hours, the hours of operation shall be agreed in advance in writing with the City Council as Local Planning Authority. Extended hours for a full arena event will only be acceptable on a maximum of 25 occasions per annum.

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

15) Prior to the first use of the arena hereby approved, a strategy for use of the ancillary retail and commercial spaces on non-arena event days shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, this shall include details of which facilities would be available and operating hours. The use of the ancillary retail and commercial spaces on non-arena event days shall be carried out in accordance with this strategy for as long as the arena is in use.

Reason – To facilitate the use of the ancillary spaces on non-arena event days in the interest of natural surveillance and activity at the arena and Etihad Campus as part of supporting the vitality of the campus pursuant to policies SP1, EC7 and DM1 of the Manchester Core Strategy (2012).

16) Prior to the first use of the development, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include:

- Verification reporting providing photographic evidence of construction;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The management and maintenance plan shall be implemented upon first use of the development and thereafter retained and maintained.

Reason – To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

17) (a) Notwithstanding drawings BRA-POP-ZZ-ZZ-DR-L-0650 Rev 00, BRA-POP-ZZ-GF-DR-L-0651 Rev 00, BRA-POP-ZZ-GF-DR-L-0653 Rev 00 and BRA-POP-ZZ-01-DR-L-0656 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, prior to the first use of the development hereby approved, details of hard and soft landscaping treatments (including tree planting, street tree planting, boundary treatments and appropriate samples of materials of hard landscaping) shall be submitted to and approved in writing by the City Council as local planning authority.

(b) The approved scheme shall be implemented prior to the first use of the development. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local

planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development and to secure appropriate wind mitigation pursuant to policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

18) Prior to the first use of the development hereby approved, a detailed landscaped management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include details of how the hard and soft landscaping areas will be maintained including maintenance schedules and repairs. The management plan shall then be implemented as part of the development and remain in place for as long as the development remains in use.

Reason - To ensure that the satisfactory landscaping scheme for the development is maintained in the interest of the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

19) Prior to the first use of the development hereby approved, full details of the specification and locations of bat and bird boxes, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The bat and bird boxes shall be installed prior to the first use of the development and therefore be retained and remain in situ.

Reason - To ensure the creation of new habitats and biodiversity in order to comply with policy EN15 of the Manchester Core Strategy (2012).

20) The development hereby approved shall be carried out in accordance with the Sustainability statement and appendices stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020. For the avoidance of doubt the arena shall achieve a minimum of 34% improvement over Part L 2013

A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy (2012) and the National Planning Policy Framework.

21) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least an 'Very Good' rating. A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy (2012) and the National Planning Policy Framework.

22) (a) Prior to the first use of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval. For the avoidance of doubt, externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 db (L<sub>aeq</sub>) below the typical background (L<sub>a90</sub>) level at the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved under part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant noise on the local area pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

23) (a) The acoustic insulation of the arena building hereby approved shall be implemented in accordance with the following documents:

- Appendix 10 of the Environmental Statement (Noise survey results) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020;
- Acoustic response prepared by BuroHappold stamped as received by the City Council, as Local Planning Authority, on the 17 June 2020; and
- Technical Note 'Noise and Vibrations' stamped as received by the City Council, as Local Planning Authority, on the 3 July 2020

(b) Prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved within part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To ensure no unacceptable noise outbreak from the development in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

24) The development hereby approved shall be carried out in accordance with Operational Waste Management Strategy (within the Sustainability Statement) and drawing BRA-POP-ZZ-GF-DR-A-0611 Rev 00 stamped as received by the City

Council, as Local Planning Authority, on the 30 March 2020. The details shall be implemented prior to the first event at the development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012).

25) Prior to the first use of the development, details of a scheme to extract fumes, vapours and odours from the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first use of the development and thereafter retained and maintained in situ.

Reason – To ensure appropriate fume extraction is provided for the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

26) The development hereby approved shall include a building and site lighting scheme including details of illumination of external areas, potential impact on the tram line during the period between dusk and dawn and details of lighting being turned off when not in use. Full details of such a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority before the first use of the development hereby approved.

The approved scheme shall be implemented in full prior to the first use of development and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction, personal safety and the safety of the tram lines in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy (2012).

27) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

28) The development shall be carried out in accordance with the Crime Impact Statement (Rev D ref. 2019/0841/CIS/01) (within the Sustainability Statement) prepared by Design for Security at Greater Manchester Police stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Manchester Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

29) The arena hereby approved shall be carried out in accordance with the Framework Travel Plan (Appendix 12.2 of the Environmental Statement) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those visiting and working at the development;
- ii) a commitment to surveying the travel patterns of spectators and staff during the first three months of the first use of the building and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for spectators, staff and visitors, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

30) Prior to the first use of the arena hereby approved, details of the location and specification of 240 covered cycle spaces within the Etihad Campus shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the arena and thereafter retained and maintained in situ for as long as the development remains in use.

Reason – To ensure there is sufficient cycles stand provision at the development and the occupants in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

31) Prior to the first use of the arena hereby approved, details of a coach parking strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the arena and thereafter retained and maintained in situ for as long as the development remains in use.

Reason – To ensure there adequate provision for coach parking at the development pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).



32) Prior to the first use of the development hereby approved, a scheme of highway works, as outlined within the Transport Assessment prepared by BuroHappold Engineering stamped as received by the City Council, as Local Planning Authority, 30 March 2020, shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- Modifications to the junction of Gate 1/Alan Turing Way including creation of left in/left out traffic movements, improved cycle facility, widened pedestrian provision, creation of servicing entrance and vehicle access/egress (Drawing BRA-BHE-XX-XX-DR-C-0230);
- Emergency vehicle access from Alan Turing Way including modification to pedestrian footway and access to the canal (Drawing BRA-BHE-XX-XX-DR-C-0240);
- Widening of footways along Sportcity Way including narrowing of carriage from 4 to 3 lanes (Drawing BRA-BHE-XX-XX-DR-C-0210);
- Installation of fixed bollards, retractable bollards and planters to Sportcity Way);
- Introduction of VIP drop off and U Turn facility;
- Extension of the existing taxi rank along the full length of Rowsley Street and Philips Park Road (including creation of a one-way system);
- Dropped kerbs and tactile paving to vehicle access points;
- Provision of additional Variable Message Boards (VMS) including agreed locations and timescale for implementation;

The approved scheme shall be implemented and be in place prior to the first use of the arena hereby approved and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

33) Prior to the first event at the development hereby approved, details of a servicing and operational management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include how servicing arrangements will be managed at the development including ensuring the access road remains unrestricted. The approved plan shall be implemented upon the first use of the development and thereafter retained and maintained.

Reason – In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

34) Prior to the first event the development hereby approved, details of a car park management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include how the surface level car parks at the Etihad Campus would be made available to support the arena development and its operations, particularly on match days, together with how disabled parking would be made available, managed, monitored and reviewed to

ensure disabled parking is always available at the development (including suitable levels of match days).

The approved plan shall be implemented upon the first event at the development and thereafter retained and maintained.

A review of the car parking management plan shall be submitted to the City Council, as Local Planning Authority, on an annual basis (on a date to be agreed) which details the ongoing management arrangements and any appropriate modifications should they be necessary.

Reason – In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

35) Prior to the first event at the arena hereby approved, an Event Operations Management Plan for arena events and coincided arena and stadium events shall be submitted for approval in writing by the City Council, as Local Planning Authority. The strategy shall demonstrate how arena events will be managed particularly on stadium event days.

In this condition an Event Operations Management Plan means a document which includes:

- The measures proposed to be taken to discourage dependency on the private car by those visiting the arena;
- Evidence of a events coordination strategy with the Etihad Stadium and public transport providers;
- A minimum of 2 hours between matinee and evening arena events and maximum of no more than 15 coincided arena and stadium events (of which no more than 5 would coincide with the evening peak);
- A car parking strategy for managing existing car parking at the Etihad Campus including monitoring and a review mechanism;
- Pick up and drop off management arrangements along Rowsley Street including use of 'Geofence';
- A scheme for the management and dispersal of spectators to, and following events, from the Etihad Campus including the management/marshalling of key areas and routes including use of signage and adjustments of signal timings at key junctions;
- Measures to ensure the effective operational management of the Gibson Street/Asda junction;
- Monitoring of the use of public transport (including tram and buses);
- A messaging and communication strategy to promote public transport and other measures to the site (including walking and cycling routes, park and ride, tram, shuttle bus);
- A scheme for the collection, storage and disposal of litter on the surrounding road network; and
- Measures to monitor and review the effectiveness of the Event Operations Management Plan in achieving the objective of minimising the impact of an arena and an arena and stadium event including reducing dependency on the private car and promoting alternative travel options at the site.

Event Operations Management Plan which has been approved by the City Council, as Local Planning Authority, shall be implemented in full at all times when the arena hereby approved is in use.

Every 12 months from the first use arena event, an Event Operations Management Monitoring Review Document shall be submitted for approval in writing by the City Council, as Local Planning Authority. This review shall take account of the information gathered during events and coincided events and any changes/additional measures should this be necessary. Any amendments to the event management plan shall be thereafter implemented in full.

If any event when operating, causes any pedestrian or highway safety concerns which in the opinion of the City Council, as Local Planning Authority, are detrimental to adjoining and nearby residential properties or highway and/or pedestrian safety, within 1 month of a written request, a scheme for the mitigation against the impacts shall be submitted for approval in writing by the City Council, as Local Planning Authority and once approved, such mitigation measures shall be implemented, with a timescale previously agreed in writing with the City Council, as Local Planning Authority, and thereafter maintained.

Reason - In order to minimise the impact on the local highway network, promotion of public transport, the safe movement of pedestrians along with ensuring adequate arrangements are in place for the collection of litter and waste following events at the development pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

36) Prior to the first event at the arena hereby approved, a crowd management strategy for the Etihad Tram stop shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall be implemented upon first use of the development and remain in use at all times when the development is operational (including with coincided events at the Etihad Stadium).

Reason – In the interest of public safety for users of the tram stop pursuant to policy DM1 of the Manchester Core Strategy (2012).

37) Excluding vehicle activity associated with the operation of events at the development, and movement of waste within the Etihad Campus between the development and the existing Etihad Waste Compound, deliveries, servicing and collections including waste collections shall not take place outside the following hours:

Monday to Sunday 07:30 to 20:00

Reason – In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

38) Notwithstanding the TV reception survey prepared by ME Engineers stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, within one month of the practical completion or at any other time during the

construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first used or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in policy DM1 of Core Strategy.

39) Prior to the first use of the development, details of any external roller shutters to the ground floor of the arena shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the arena and thereafter retained and maintained in situ.

Reason – To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

40) Prior to the first use of the development, details of the siting, scale and appearance (including samples of materials) of the boundary treatments (and green screens) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented and be in place prior to the first use of the development. The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Reason – To ensure that appropriate boundary treatment is put in place in the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

41) Notwithstanding drawing BRA-POP-ZZ-RF-DR-A-0620 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, prior to the first use of the arena hereby approved, details of the specification, siting, scale and appearance of the solar panels to the roof (including cross sections). The approved details shall then be implemented prior to the first use of the arena and thereafter retained and maintained in situ.

Reason – In the interest of ensuring the solar panels are of the appropriate specification and appearance in the interest of the overall sustainability of the building and visual amenity pursuant to policies SP1, EN1, EN6 and DM1 of the Manchester Core Strategy (2012).

42) Notwithstanding the information shown on drawing reference BRA-POP-ZZ-RF-DR-A-0620 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020, prior to the first event at the arena, final details of a signage strategy for the roof signage shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be used to inform future signage for the roof.

Reason – In the interest of achieving a suitable signage solution for the roof of the arena pursuant to policy DM1 of the Manchester Core Strategy (2012).

43) Prior to the first use of the development hereby approved, a scheme of improvements to the Aston Canal, as indicated within the planning statement prepared by Deloitte stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020 shall be submitted for approval to the City Council as local planning authority, together with a programme for the implementation of the works. The approved details shall be implemented in accordance with the agreed programme.

Reason – In order to make necessary improvements to the Ashton Canal with the aim of improving the accessibility and attractiveness of this route as a key walking route pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

44) Prior to the first use of the development hereby approved, details of the 3D public art installation shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include details of sitng, scale and appearance. The approved details shall then be implemented prior to the first use of the development hereby approved.

Reason – In the interest of visual amenity and to secure appropriate wind mitigation measures pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

#### Informatives

- Cranes, whilst they are temporary, can be a hazard to air safety. The developer or crane operator must therefore contact Manchester Airport's Control of Works Office using the details provided below, at least 21 days in advance of intending to erect a crane or other tall construction equipment on the site. This is to obtain a Tall Equipment Permit and to ascertain if any operating restrictions would be required. Any operating restrictions that are subsequently imposed by Manchester Airport must be fully complied with. Email: control-of-works@magairports.com Tel: 0161 489 6114
- There is a high pressure pipe line in close proximity of the site. No works should be undertaken in the vicinity of the gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or

wayleaves). If the works are in the road or footpath the relevant local authority should be contacted. Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk> In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

- Works in close proximity to the Ashton Canal - The applicant/developer is advised to contact the Infrastructure Services Team on ((01782 779909)) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & I & River Trust. 2) The Applicant should contact the Canal & River Trust directly to establish the position regarding the need the canal and carry out works along the Ashton Canal, including lighting, vegetation clearance and signage. The applicant is advised to contact the Trusts Estate Management Team on 0303 040 4040 or email [Matthew.Hart@canalrivertrust.org.uk](mailto:Matthew.Hart@canalrivertrust.org.uk).
- All gates should open inwards and not impact on the adopted highway.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 126431/FO/2020 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

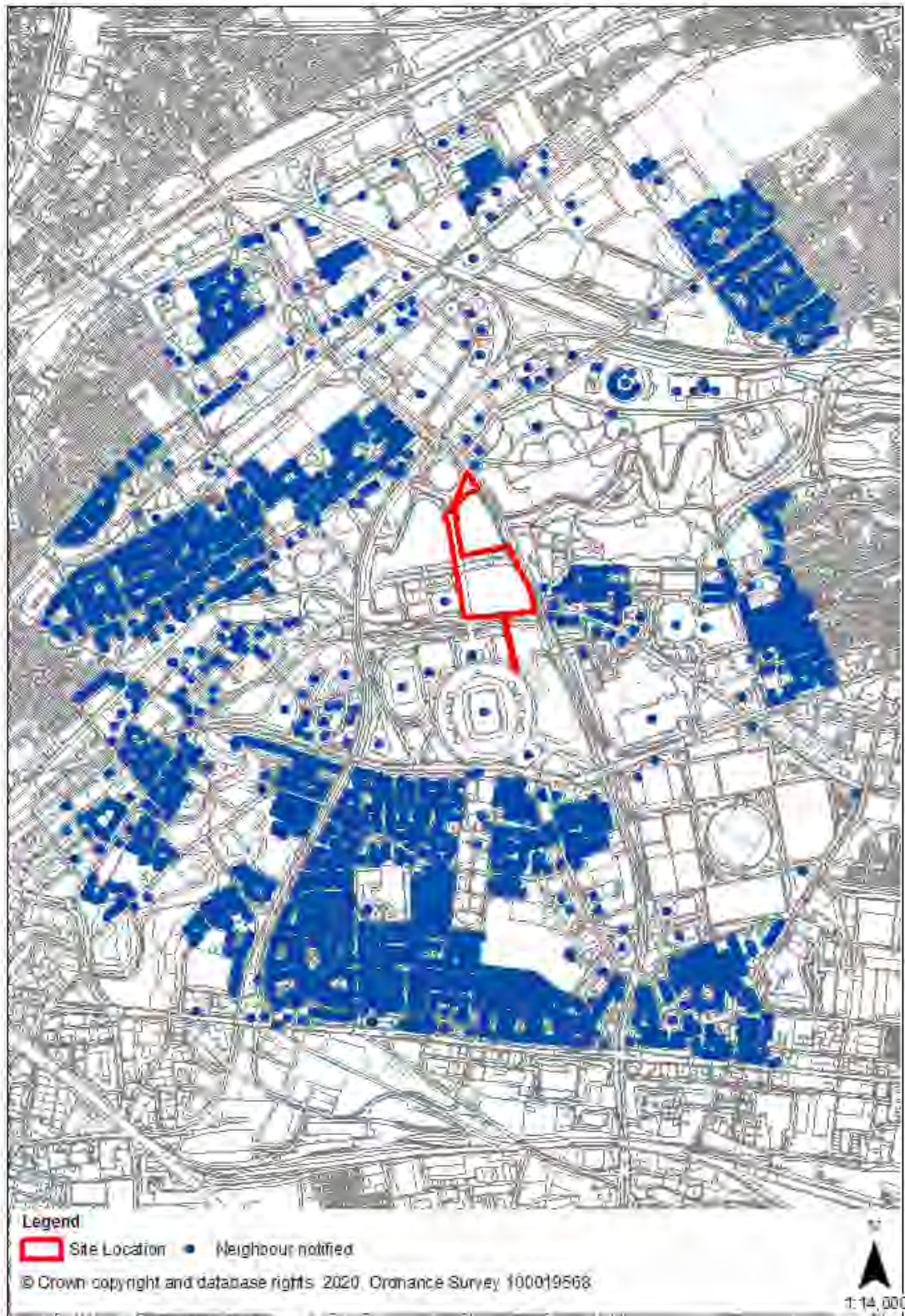
**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

**Planning Casework Unit  
 Network Rail  
 Sport England  
 Oldham Metropolitan Borough Council  
 Tameside Metropolitan Borough Council  
 Greater Manchester Ecology Unit  
 The Coal Authority  
 Environment Agency  
 Greater Manchester Archaeological Advisory Service  
 Greater Manchester Police  
 Historic England (North West)  
 Manchester Airport Safeguarding Officer  
 National Amenity Societies  
 Natural England  
 Transport For Greater Manchester  
 United Utilities Water PLC**

**Canal & River Trust**

**A map showing the neighbours notified of the application is attached at the end of the report.**

**Relevant Contact Officer :** Jennifer Atkinson  
**Telephone number :** 0161 234 4517  
**Email :** j.atkinson@manchester.gov.uk





## **Important – Planning permission & notices of consent**

### **Compliance with conditions**

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email [planning@manchester.gov.uk](mailto:planning@manchester.gov.uk)

## Town & Country Planning Act 1990 (as amended)

### Planning Permission

#### Applicant

OVG Manchester Limited  
C/o Agent

#### Agent (if used)

Miss Eve Grant  
Deloitte LLP  
2 Hardman Street  
Manchester  
M3 3HF

### Part 1 – Particulars of the application/development

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**Proposal:** Erection of a multi-use arena (Use Class D2) with a partially illuminated external facade together with ancillary retail/commercial uses (Classes A1, A3 and A4), with highways, access, servicing, landscaping, public realm and other associated works

**Location:** Site South Of Sportcity Way, East Of Joe Mercer Way, West Of Alan Turing Way And North Of The Ashton Canal At The Etihad Campus, Manchester

**Date of application:** 31 March 2020

**Application number:** 126431/FO/2020

### Part 2 – Particulars of decision

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Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

### Article 35 Declaration

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Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions took place regarding the siting/layout, scale, design and appearance of the development along with matters such as the market case for two arenas in the City of Manchester, sustainability of the arena, noise and impact on the local highway network (including travel planning). The proposal is considered to be acceptable and therefore determined within a timely manner.

### Condition(s) attached to this decision

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1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

#### Drawings

BRA-POP-XX-XX-DR-A-0600 Rev 00, BRA-POP-XX-01-DR-A-0632 Rev 00, BRA-POP-XX-01-DR-A-0633 Rev 00, BRA-POP-XX-XX-DR-A-0605 Rev 00, BRA-POP-XX-XX-DR-A-0606 Rev 00, BRA-POP-XX-XX-DR-YW-0660 Rev 00, BRA-POP-XX-DR-A-0623 Rev 00, BRA-POP-XX-ZZ-A-0624 Rev 00, BRA-POP-XX-ZZ-DR-A-0625 Rev 00, BRA-POP-XX-ZZ-DR-A-0626 Rev 00, BRA-POP-XX-ZZ-DR-A-0627 Rev 00, BRA-POP-XX-ZZ-DR-A-0628 Rev 00, BRA-POP-XX-ZZ-DR-A-0630 Rev 00, BRA-POP-XX-ZZ-DR-A-0631 Rev 00, BRA-POP-ZZ-01-DR-A-0613 Rev 00, BRA-POP-ZZ-DR-L-0652 Rev 00, BRA-POP-ZZ-01-DR-L-0654 Rev 00, BRA-POP-ZZ-01-DR-L-0656 Rev 00, BRA-POP-ZZ-02-DR-A-0614 Rev 00, BRA-POP-03-DR-A-0615 Rev 00, BRA-POP-ZZ-04-DR-A-0617 Rev 00, BRA-POP-ZZ-05-DR-A-0619 Rev 00, BRA-POP-ZZ-GF-DR-A-0611 Rev 00, BRA-POP-ZZ-GF-DR-L-0651 Rev 00, BRA-POP-ZZ-GF-DR-L-0653 Rev 00, BRA-POP-ZZ-M0-DR-A-0612 Rev 00, BRA-POP-ZZ-RF-DR-A-0620 Rev 00, BRA-POP-ZZ-ZZ-DR-A-0629 Rev 00 and BRA-POP-ZZ-ZZ-DR-L-0650 Rev 00

All stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020

#### Supporting information

Documents approved as part of planning permission 127534/FO/2020: The Coal Mining Risk Assessment (31 January 2020) prepared by Buro Happold Engineering and Method Statement for Proposed Grouting Works (03 July 2020) stamped as received by the City Council, as Local Planning Authority, on the 22 July 2020; Grouting Works: Groundwater Risk Assessment Ref. BRA-BHE-XX-XX-DN-CG-0001, prepared by Buro Happold and dated 7 October 2020; and OVG Remediation Strategy Ref. BRA-BHE-XX-XX-RP-CG-0006 Revision P02, prepared by Buro Happold stamped as received by the City Council, as Local Planning Authority, on the 7 October 2020.

Gas Calibration Certificates stamped as received by the City Council, as Local Planning Authority, on the 11 September 2020

Response to representations Volumes 1 and 2 prepared by Deloitte stamped as received by the City Council, as Local Planning Authority, on the 30 July 2020

Environmental Statement - Chapter 10 (Supplementary Noise Note) and Chapter 12 (Supplementary Transport Note) stamped as received by the City Council, as Local Planning Authority, on the 17 June 2020

Environmental Statement (main report) - Construction management and phasing, Air Quality and Dust, Ground Conditions, Townscape and Visual Impact, Noise and Vibration, Socio-Economic, Traffic and Transport, Water Quality, Drainage and Flood Risk, Wind Microclimate and Climate Change) stamped as received by the City Council, as Local Planning Authority, on the 29 April 2020.

Stage 1 Road Safety Audit - design team response prepared by Curtins stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020

Design and Access Statement Ref. BRA-POP-ZZ-ZZ-RP-A-7061 Rev 000 prepared by Populous, Heritage statement prepared by Deloitte, Daylight and Sunlight report prepared by BuroHappold (ref. 0042841), Ventilation Strategy prepared by ME Engineers, Tv Reception Survey prepared by SCS (Ref: 157929), Sustainability Statement (Rev o07) plus appendices prepared by BuroHappold, Statement of Community Involvement, Sequential Test prepared by Deloitte, Planning Statement prepared by Deloitte, Operating Schedule and EMP prepared by Laudation, Crime Impact Statement Rev D (ref. 2019/0841/CIS/01) and Broadband Connectivity Report prepared by ME Engineers stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020

Appendices to Environmental Statement (including construction management plan (5.1), construction assessment methodology (6.1), traffic data (6.2) receptor locations (6.3), construction traffic modelling results (6.4), model verification (6.5), operational modelling results (6.6), geo-environmental and geo technical desk study (7.1), coal mining assessment (7.2), ground engineering interpretive report (7.3), market case volume 1 and 2 (8.1), economic impact of two arena in Manchester (8.2), exterior lighting assessment (9.1), highway safety report (9.2), noise and vibration (noise survey results) (10.1), noise and vibration (construction traffic noise) (10.3), townscape baseline effects (11.1), townscape baseline figures (11.3), TVIA viewpoints (11.4), transport assessment and transport assessment addendum (12.1), framework travel plan (12.2), flood risk assessment (13.1), drainage strategy (13.2) and GHG emissions assessment (date inputs and assumptions) (15.1) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Prior to the commencement of development, a detailed construction management plan outlining working practices and highway management shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- o Display of an emergency contact number;
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Consultation with local residents/businesses;
- o Measures to prevent leakages into the Ashton Canal, groundwater and culvert;
- o Noise and vibration monitoring;
- o Hoarding location and design;
- o Compound locations where relevant;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff;
- o Sheeting over of construction vehicles;
- o Details to prevent any impact on tram infrastructure;
- o Loading and unloading of plant and materials;
- o Construction and demolition methods, including use of cranes, (which must not oversail the tramway)

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, highway safety, tram safety, air quality and water quality pursuant to policies SP1, EN17, EN16, EN19 and DM1 of the Manchester Core Strategy (2012).

4) Prior to the commencement of development, details of the method for piling, or any other foundation design using penetrative methods, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented during the construction of the development.

Reason - Piling or any other foundation using penetrative methods can result in risks to potable supplies (pollution/turbidity, risk of mobilising contamination) drilling through different aquifers and creating preferential pathways. It is therefore necessary to demonstrate that piling will not result in contamination of groundwater pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

5) The development shall be carried out in accordance with the flood risk assessment prepared by BuroHappold (ref. BRA-BHE-XX-XX-RP-CW-0131) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020.

Reason - In the interest of managing the flood risk at the development pursuant to policy EN14 of the Manchester Core Strategy (2012).

6) Notwithstanding the drainage strategy prepared by BuroHappold (ref. BRA-BHE-XX-XX-RP-CI-0132 Dr) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, (a) the development shall not commence until a scheme for the drainage of surface water for the development has been submitted for approval in writing by the City Council as the Local Planning Authority. This shall include:

- Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within a Critical Drainage Area;
- No infiltration of surface water into the ground is permitted unless it can be demonstrated that there is no risk to ground water;
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building. Hydraulic calculation of the proposed drainage system;
- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements) wherever possible. Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site, and details of any mitigation measures provided where overland flow routes are unable to flow away from the building;
- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

(b) The development shall then be constructed in accordance with the approved details, within an agreed timescale.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

7) a) Notwithstanding the Geo Environmental and Geo Technical Desk Study and gas calibration certificates stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020 and 11 September 2020 respectively, prior to the commencement of development hereby approved, the following details shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- Submission of a remediation strategy.

The development shall then be carried out in accordance with the approved remediation strategy.

b) A Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, prior to the first use of the development.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then associated works shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

8) Prior to the commencement of development, samples and specifications of all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The specification shall include the agreement of a materials panel which shall include samples and specifications of all materials to be used on all external elevations of the development along with reveals, jointing and fixing details, details of the drips to be used to prevent staining, soffits, ventilation/louvre details, air bricks and a strategy for quality control management.

The approved materials used shall then be implemented as part of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Manchester Core Strategy (2012).

9) (a) The Site investigation and remediation works including trial piling, grouting of coal seams and mineshaft capping and other associated works shall be carried out in accordance with the following documents submitted and approved pursuant to planning permission 127534/FO/2020: The Coal Mining Risk Assessment (31 January 2020) prepared by Buro Happold Engineering and Method Statement for Proposed Grouting Works (03 July 2020) stamped as received by the City Council, as Local Planning

Authority, on the 22 July 2020; Grouting Works: Groundwater Risk Assessment Ref. BRA-BHE-XX-XX-DN-CG-0001, prepared by Buro Happold and dated 7 October 2020; and OVG Remediation Strategy Ref. BRA-BHE-XX-XX-RP-CG-0006 Revision P02, prepared by Buro Happold stamped as received by the City Council, as Local Planning Authority, on the 7 October 2020.

(b) Upon completion of the approved intrusive site investigations and remedial works to mitigate the risk of coal mining legacy at this site, a verification report, or equivalent statement prepared by a competent person, shall be submitted for approval in writing by the City Council, as Local Planning Authority. This document shall confirm the methods and findings of the additional intrusive site investigations (including sampling and monitoring carried out) and the completed remedial works and/or mitigation necessary to demonstrate that the site has been made, safe and stable for any future development at this site.

Reason - In the interest of ensuring the works are undertaken to a suitable standard and do not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that this phase of remediation for the site is complete pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

10) No vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the removal works including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

11) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy (2012).

12) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises shall only be used as a multi-use arena (Use Class D2) (61082 sqm) with ancillary use of its facilities (Use Classes A1, A3 and A4) as specified in a strategy to be submitted and approved in accordance with Condition 15, and for no other purposes.

Reason - To ensure that the arena is used solely for the intended purpose to safeguard the character of the area pursuant to policies SP1, EC7 and DM1 of the Manchester Core Strategy (2012).

13) The arena capacity hereby approved shall not be used by more than 23,500 spectators at any time and there shall be no more than 15 arena events per year which take place at the same time as events at the Etihad Stadium (of which no more than 5 would coincide with the evening peak).

Reason - For the avoidance of doubt and to ensure no unacceptable impacts with regards to noise and operational impacts on the residential amenity pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

14) The arena shall be open for event and hospitality use in accordance with the days and hours as specified in the approved Operating Schedule and Event Management Plan v 1.3 prepared by Laudation stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020, which shall include normal operation for events and hospitality between the hours of 0900 and 0000 Monday to Sunday.

In the event that there is a requirement to operate the arena or hospitality facilities beyond these hours, the hours of operation shall be agreed in advance in writing with the City Council as Local Planning Authority. Extended hours for a full arena event will only be acceptable on a maximum of 25 occasions per annum.

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

15) Prior to the first use of the arena hereby approved, a strategy for use of the ancillary spaces throughout the arena building, including kiosks to the canal (as shown on drawing BRA-POP-ZZ-01-DR-A-0613 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020), on non-arena event days shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt, this shall include details of the nature of the uses which would take place within the ancillary spaces including which facilities/spaces would be made available, the amount of floorspace to be utilised, operating hours and any management arrangements to ensure authorised access to the arena building only.

The use of the ancillary spaces on non-arena event days shall be carried out in accordance with this strategy for as long as the arena is in use.

Reason - To facilitate the use of the ancillary spaces on non-arena event days for community use and other appropriate purposes including kiosks to the canal which would support natural surveillance and activity at the arena and Etihad Campus as part of supporting the vitality of the campus and community access to the building pursuant to policies SP1, EC7 and DM1 of the Manchester Core Strategy (2012).

16) Prior to the first use of the development, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority.  
For the avoidance of doubt this shall include:

- Verification reporting providing photographic evidence of construction;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The management and maintenance plan shall be implemented upon first use of the development and thereafter retained and maintained.



Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

17) (a) Notwithstanding drawings BRA-POP-ZZ-ZZ-DR-L-0650 Rev 00, BRA-POP-ZZ-GF-DR-L-0651 Rev 00, BRA-POP-ZZ-GF-DR-L-0653 Rev 00 and BRA-POP-ZZ-01-DR-L-0656 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, prior to the first use of the development hereby approved, details of hard and soft landscaping treatments (including tree planting, street tree planting, boundary treatments and appropriate samples of materials of hard landscaping) shall be submitted to and approved in writing by the City Council as local planning authority.

(b) The approved scheme shall be implemented prior to the first use of the development. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development and to secure appropriate wind mitigation pursuant to policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

18) Prior to the first use of the development hereby approved, a detailed landscaped management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include details of how the hard and soft landscaping areas will be maintained including maintenance schedules and repairs. The management plan shall then be implemented as part of the development and remain in place for as long as the development remains in use.

Reason - To ensure that the satisfactory landscaping scheme for the development is maintained in the interest of the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

19) Prior to the first use of the development hereby approved, full details of the specification and locations of bat and bird boxes, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The bat and bird boxes shall be installed prior to the first use of the development and therefore be retained and remain in situ.

Reason - To ensure the creation of new habitats and biodiversity in order to comply with policy EN15 of the Manchester Core Strategy (2012).

20) The development hereby approved shall be carried out in accordance with the Sustainability statement and appendices stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020.

A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy (2012) and the National Planning Policy Framework.

21) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good' rating. A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy (2012) and the National Planning Policy Framework.

22) (a) Prior to the first use of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval. For the avoidance of doubt, externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 db (Laeq) below the typical background (La90) level at the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved under part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant noise on the local area pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

23) (a) The acoustic insulation of the arena building hereby approved shall be implemented in accordance with the following documents:

- Appendix 10 of the Environmental Statement (Noise survey results) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020;
- Acoustic response prepared by BuroHappold stamped as received by the City Council, as Local Planning Authority, on the 17 June 2020; and
- Technical Note 'Noise and Vibrations' stamped as received by the City Council, as Local Planning Authority, on the 3 July 2020

(b) Prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved within part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To ensure no unacceptable noise outbreak from the development in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

24) The development hereby approved shall be carried out in accordance with Operational Waste Management Strategy (within the Sustainability Statement) and drawing BRA-POP-ZZ-GF-DR-A-0611 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020. The details shall be implemented prior to the first event at the development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012).

25) Prior to the first use of the development, details of a scheme to extract fumes, vapours and odours from the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first use of the development and thereafter retained and maintained in situ.

Reason - To ensure appropriate fume extraction is provided for the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

26) The development hereby approved shall include a building and site lighting scheme including details of illumination of external areas, potential impact on the tram line during the period between dusk and dawn and details of lighting being turned off when not in use. Full details of such a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority before the first use of the development hereby approved.

The approved scheme shall be implemented in full prior to the first use of development and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction, personal safety and the safety of the tram lines in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy (2012).

27) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

28) The development shall be carried out in accordance with the Crime Impact Statement (Rev D ref. 2019/0841/CIS/01) (within the Sustainability Statement) prepared by Design for Security at Greater Manchester Police stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020. The development shall only be carried out in accordance with these approved details. The development hereby

approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Manchester Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

29) The arena hereby approved shall be carried out in accordance with the Framework Travel Plan (Appendix 12.2 of the Environmental Statement) stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those visiting and working at the development;
- ii) a commitment to surveying the travel patterns of spectators and staff during the first three months of the first use of the building and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for spectators, staff and visitors, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

30) Prior to the first use of the arena hereby approved, details of the location and specification of 240 covered cycle spaces within the Etihad Campus shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the arena and thereafter retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development and the occupants in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

31) Prior to the first use of the arena hereby approved, details of a coach parking strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the arena and thereafter retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there adequate provision for coach parking at the development pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

32) Prior to the first use of the development hereby approved, a scheme of highway works, as outlined within the Transport Assessment prepared by BuroHappold Engineering stamped as received by the City Council, as Local Planning Authority, 30 March 2020, shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- Modifications to the junction of Gate 1/Alan Turing Way including creation of left in/left out traffic movements, improved cycle facility, widened pedestrian provision, creation of servicing entrance and vehicle access/egress (Drawing BRA-BHE-XX-XX-DR-C-0230);
- Emergency vehicle access from Alan Turing Way including modification to pedestrian footway and access to the canal (Drawing BRA-BHE-XX-XX-DR-C-0240);
- Widening of footways along Sportcity Way including narrowing of carriage from 4 to 3 lanes (Drawing BRA-BHE-XX-XX-DR-C-0210);
- Installation of fixed bollards, retractable bollards and planters to Sportcity Way);
- Introduction of VIP drop off and U Turn facility;
- Extension of the existing taxi rank along the full length of Rowsley Street and Philips Park Road (including creation of a one-way system);
- Dropped kerbs and tactile paving to vehicle access points;
- Provision of additional Variable Message Boards (VMS) including agreed locations and timescale for implementation;

The approved scheme shall be implemented and be in place prior to the first use of the arena hereby approved and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

33) Prior to the first event at the development hereby approved, details of a servicing and operational management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include how servicing arrangements will be managed at the development including ensuring the access road remains unrestricted. The approved plan shall be implemented upon the first use of the development and thereafter retained and maintained.

Reason - In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

34) Prior to the first event the development hereby approved, details of a car park management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include how the surface level car parks at the Etihad Campus would be made available to support the arena development and its operations, particularly on match days, together with how disabled parking would be made available, managed, monitored and reviewed to ensure disabled parking is always available at the development (including suitable levels of match days).

The approved plan shall be implemented upon the first event at the development and thereafter retained and maintained.

A review of the car parking management plan shall be submitted to the City Council, as Local Planning Authority, on an annual basis (on a date to be agreed) which details the

ongoing management arrangements and any appropriate modifications should they be necessary.

Reason - In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

35) Prior to the first event at the arena hereby approved, a crowd management strategy for the Etihad Tram stop shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall be implemented upon first use of the development and remain in use at all times when the development is operational (including with coincided events at the Etihad Stadium).

Reason - In the interest of public safety for users of the tram stop pursuant to policy DM1 of the Manchester Core Strategy (2012).

36) Excluding vehicle activity associated with the operation of events at the development, and movement of waste within the Etihad Campus between the development and the existing Etihad Waste Compound, deliveries, servicing and collections including waste collections shall not take place outside the following hours:

Monday to Sunday 07:30 to 20:00

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

37) Notwithstanding the TV reception survey prepared by ME Engineers stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, within one month of the practical completion or at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first used or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in policy DM1 of Core Strategy.

38) Prior to the first use of the development, details of any external roller shutters to the ground floor of the arena shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the arena and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

39) Prior to the first use of the development, details of the siting, scale and appearance (including samples of materials) of the boundary treatments (and green screens) shall

be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented and be in place prior to the first use of the development. The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Reason - To ensure that appropriate boundary treatment is put in place in the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

40) Notwithstanding drawing BRA-POP-ZZ-RF-DR-A-0620 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 30 March 2020, prior to the first use of the arena hereby approved, details of the specification, siting, scale and appearance of the solar panels to the roof (including cross sections). The approved details shall then be implemented prior to the first use of the arena and thereafter retained and maintained in situ.

Reason - In the interest of ensuring the solar panels are of the appropriate specification and appearance in the interest of the overall sustainability of the building and visual amenity pursuant to policies SP1, EN1, EN6 and DM1 of the Manchester Core Strategy (2012).

41) Notwithstanding the information shown on drawing reference BRA-POP-ZZ-RF-DR-A-0620 Rev 00 stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020, prior to the first event at the arena, final details of a signage strategy for the roof signage shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be used to inform future signage for the roof.

Reason - In the interest of achieving a suitable signage solution for the roof of the arena pursuant to policy DM1 of the Manchester Core Strategy (2012).

42) Prior to the first use of the development hereby approved, a scheme of improvements to the Ashton Canal, as indicated within the planning statement prepared by Deloitte stamped as received by the City Council, as Local Planning Authority, on the 6 March 2020 shall be submitted for approval to the City Council as local planning authority, together with a programme for the implementation of the works. The approved details shall be implemented in accordance with the agreed programme.

Reason - In order to make necessary improvements to the Ashton Canal with the aim of improving the accessibility and attractiveness of this route as a key walking route pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

43) Prior to the first use of the development hereby approved, details of the 3D public art installation shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include details of siting, scale and appearance. The approved details shall then be implemented prior to the first use of the development hereby approved.

Reason - In the interest of visual amenity and to secure appropriate wind mitigation measures pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

## **Informatives**

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### **Building Regulations 2010**

This permission does not grant approval under Building Regulations.

### **Street Naming & Numbering Requirements**

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

[http://www.manchester.gov.uk/info/100011/roads\\_parking\\_and\\_transport/1988/naming\\_and\\_numbering\\_of\\_houses\\_buildings\\_streets\\_and\\_roads/2](http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2)

### **Mining Information**

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

### **Cranes**

Cranes, whilst they are temporary, can be a hazard to air safety. The developer or crane operator must therefore contact Manchester Airport's Control of Works Office using the details provided below, at least 21 days in advance of intending to erect a crane or other tall construction equipment on the site. This is to obtain a Tall Equipment Permit and to ascertain if any operating restrictions would be required. Any operating restrictions that are subsequently imposed by Manchester Airport must be fully complied with. Email: control-of-works@magairports.com Tel: 0161 489 6114

### **Gas**

There is a high pressure pipe line in close proximity of the site. No works should be undertaken in the vicinity of the gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.

### **Landowner Legal Rights**

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted. Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes



HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk> In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

### **Ashton Canal**

Works in close proximity to the Ashton Canal - The applicant/developer is advised to contact the Infrastructure Services Team on ((01782 779909)) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust. 2) The Applicant should contact the Canal & River Trust directly to establish the position regarding the need to carry out works along the Ashton Canal, including lighting, vegetation clearance and signage. The applicant is advised to contact the Trusts Estate Management Team on 0303 040 4040 or email [Matthew.Hart@canalrivertrust.org.uk](mailto:Matthew.Hart@canalrivertrust.org.uk).

### **Gate openings**

All gates should open inwards and not impact on the adopted highway.

Date: 23 October 2020

Signed:



Julie Roscoe  
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

## Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – [www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate). The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council ([planning@manchester.gov.uk](mailto:planning@manchester.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on [GOV.UK](http://GOV.UK).

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

## Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity
- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.

## Appendix A



The Coal  
Authority

### Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

*This Informative Note is valid from 1<sup>st</sup> January 2019 until 31<sup>st</sup> December 2020*



# Statement of Licensing Policy 2021–2026

Interim Review 2021–2022

April 2021

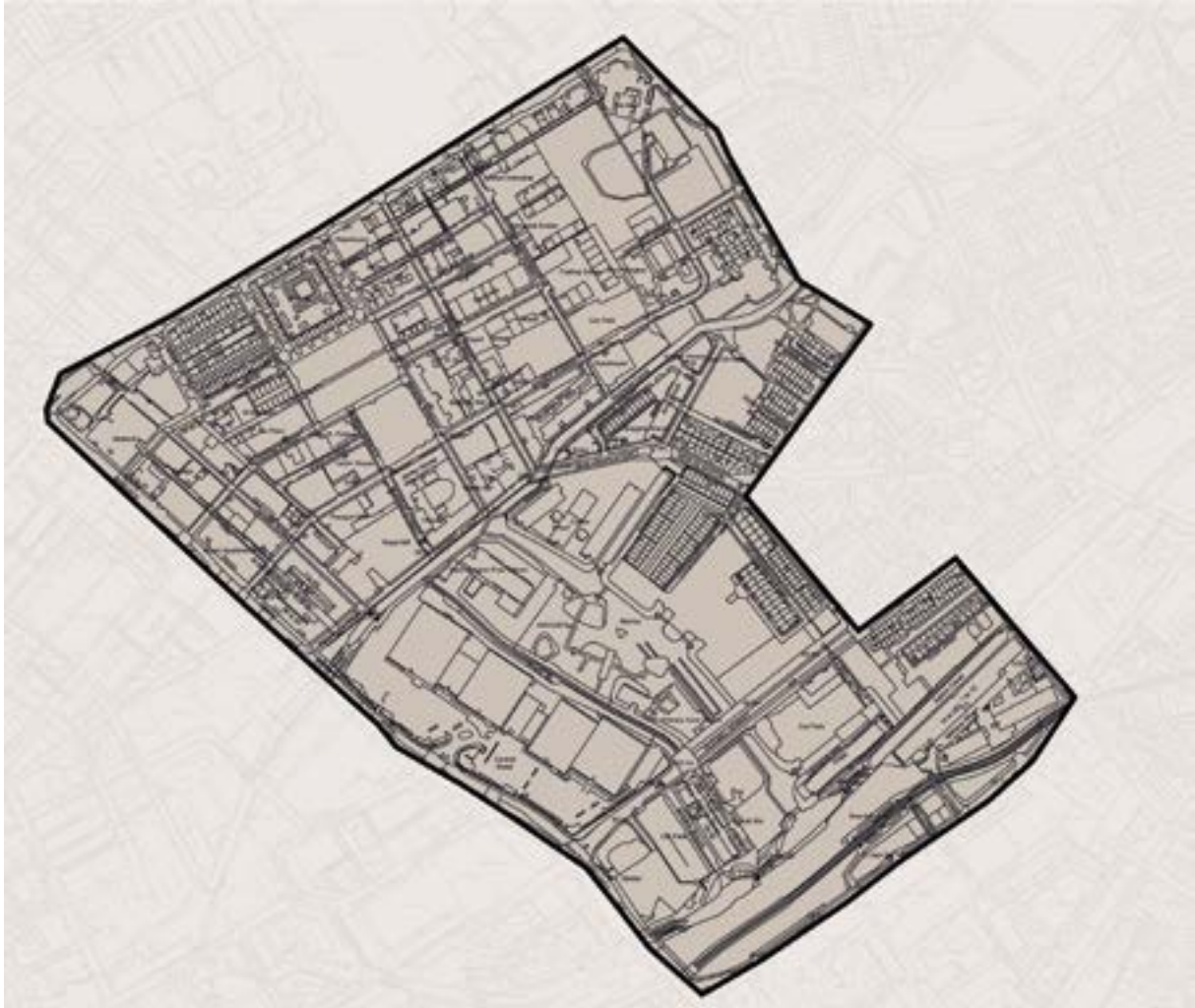
## Special Hours Policy – in Ancoats and New Islington

- 5.32 The Special Hours Policy shall apply to the Ancoats and New Islington Regeneration Framework Area as identified on the map at Appendix 9 of this Licensing Policy.
- 5.33 The effect of the Special Hours Policy is that the Council will generally only permit licensable activities for premises in the Ancoats and New Islington Regeneration Framework area until the terminal hours set out below whenever it receives relevant representation, unless an applicant can demonstrate there are exceptional circumstances that justify a departure from the policy in the individual circumstances.
- 11pm (Sunday to Thursday)
- 12 midnight (Friday, Saturday)
- 5.34 The Special Hours Policy applies to on and off-sales of alcohol. Where alcohol is sold for consumption on the premises, our policy will be to generally provide 30 minutes 'drinking up' time between the terminal hour for the sale of alcohol and the closing time of the premises.
- 5.35 Each application will be considered on its individual merits.
- 5.36 We are adopting this policy with paragraph 10.13 of the Government's statutory Guidance in mind. This recognises that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas and that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.
- 5.37 The Council's vision for the area as set out in the Ancoats and New Islington Regeneration Framework (updated November 2016) is 'to guide the positive regeneration of the area comprehensively and to deliver an attractive and successful residential-led neighbourhood with opportunities for a wider mix of complementary uses where increasing numbers of people would choose to live, work and spend leisure time'.
- 5.38 The 2016 City Centre Strategic Plan recognises that Ancoats and New Islington are increasingly growing in popularity as places to live. The extension of the city centre boundary to include Ancoats and New Islington increases the overall population of the city centre to almost 50,000 people.
- 5.39 The expanded city centre neighbourhoods are seen as locations where young and skilled workers will choose to live, but also where a broader population, including retirees, will choose to live. The City Centre Strategic Plan outlines Ancoats and New Islington as an opportunity to deliver a range of housing tenures to meet demand. Therefore, it is important that the mix of licensed premises within this area should complement the needs of the local community.
- 5.40 The Northern Quarter is the centre for creativity within the city centre, and with plans to expand this eastwards into Ancoats and New Islington, there is a high likelihood that the vibrant night-time economy that has developed in the Northern Quarter would also seek to extend into Ancoats and New Islington.
- 5.41 The aim of the Special Hours Policy is not to block all forms of development, and so does not impose quotas on the number or type of licensed premises permitted or the capacity of those premises. However, controlling the lateness of the hours for licensed premises is regarded as particularly important, having regard to the predominantly residential character of the Ancoats and New Islington neighbourhoods.

- 5.42 With this in mind, the Council considers that a terminal hour of 11pm (midnight on Friday and Saturday) is appropriate in this area in order to prevent issues that can arise with the night-time economy during later hours, particularly, increases in noise from patrons coming and going to licensed premises, antisocial behaviour, litter, and alcohol-related crime and disorder, which would undermine the promotion of the licensing objectives locally.
- 5.43 This approach is supported in paragraph 14.48 of the Guidance,<sup>1</sup> which states 'As part of its licensing policy, the licensing authority may also wish to consider the use of alternative measures such as fixed closing times, staggered closing times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to individual premises on a case-by-case basis in accordance with what is appropriate to promote the licensing objectives'.
- 5.44 The Council recognises the Government's recommendation at 10.15 of the Guidance that 'shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours'. However, in this locality, it is considered appropriate to restrict the hours permitted for the sale of alcohol.
- 5.45 The Council will not use this Special Hours Policy as grounds for revoking an existing licence or certificate when relevant representations are received about problems with those premises.
- 5.46 The Council will regularly review the Special Hours Policy in place.

<sup>1</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

### Appendix 9: Map of Ancoats and New Islington Regeneration Framework Area







## LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	177332
Granted	07/08/2015
Latest version	Variation 290417 granted 09/08/2023

### Part 1 - Premises details

Name and address of premises
<b>Manchester City Football Club</b> Etihad Stadium, Rowsley Street, Manchester, M11 3FF
Telephone number
0161 438 7682

Licensable activities authorised by the licence
<ol style="list-style-type: none"> <li>1. The sale by retail of alcohol*.</li> <li>2. The provision of regulated entertainment, limited to: <ul style="list-style-type: none"> <li>Performance of plays;</li> <li>Exhibition of films;</li> <li>Indoor sporting events;</li> <li>Boxing or wrestling entertainments;</li> <li>Live music;</li> <li>Recorded music;</li> <li>Performances of dance;</li> <li>Anything similar to live music, recorded music or the performance of dance.</li> </ul> </li> <li>3. The provision of late night refreshment.</li> </ol> <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities
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Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	2300	2300	2300	2300	2300	2300	2300
The sale of alcohol is licensed for consumption both on and off the premises. Off sales are not permitted, see Condition 20, Section 9 of the Sporting Events (control of alcohol, etc) Act 1985.							

**Seasonal variations and Non-standard Timings:**

When agreed as part of alcohol management plan if a marquee function is held in the East Car Park up to 0100.

The function rooms in the main stadium would have the benefit of supplying alcohol up to 0100 and these rooms would be those currently named on the plans as;

Kits, Ardwick, Managers Corner, Commonwealth, Academy Lounge, Tunnel Club, 93.20 East, West and Central, Chairman's Lounge, Citizen's Lounge, Joe's East, Joe's West, Mancunian Suite, 1894 Suite, Legends Suite and East, West and South Reception areas.

**Performance of plays; Exhibition of films; Indoor sporting events; Boxing or wrestling entertainments****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	2300	2300	2300	2300	2300	2300	2300

Licensed to take place both indoors and outdoors (except indoor sporting events)

**Seasonal variations and Non-standard Timings:**

These may take place in the stadium or externally in the Campus, in a marquee, but subject to the appropriate terms of the operating schedule.

**Live music****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	2300	2300	2300	2300	2300	2300	2300

Licensed to take place both indoors and outdoors.

**Seasonal variations and Non-standard Timings:**

This may take place in the stadium or externally in the Campus, in a marquee, but subject to the appropriate terms of the operating schedule. If within the function rooms in the stadium complex, it may operate until 2400 as amplified and 0100 as non-amplified.

In the following suites live music can operate until 0100:

Kits, Ardwick, Managers Corner, Commonwealth, Academy Lounge, Tunnel Club, 93.20 East, West and Central, Chairman's Lounge, Citizen's Lounge, Joe's East, Joe's West, Mancunian Suite, 1894 Suite, Legends Suite and East, West and South Reception areas.

**Recorded music****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	2300	2300	2300	2300	2300	2300	2300

Licensed to take place both indoors and outdoors.

**Seasonal variations and Non-standard Timings:**

This may take place in the stadium or externally in the Campus, in a marquee, but subject to the appropriate terms of the operating schedule. On occasion it may be played in the function rooms in the main stadium until 0130. If the events in the Campus finish before 2400 then under the alcohol management plan then music will also.

In the following suites live music may be played until 0130 but from 0100 it will be background.

Kits, Ardwick, Managers Corner, Commonwealth, Academy Lounge, Tunnel Club, 93.20 East, West and Central, Chairman's Lounge, Citizen's Lounge, Joe's East, Joe's West, Mancunian Suite, 1894 Suite, Legends Suite and East, West and South Reception areas.

Performances of dance and anything of a similar description to live music, recorded music or performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: This may take place in the stadium or externally in the Campus, in a marquee, but subject to the appropriate terms of the operating schedule (entertainment involving singing, dancing, karaoke and open mic sessions by customers, talent contests or promotional events around sporting events that are not adult entertainment. Such entertainment may take place in the following lounges in the main stadium until 0100; Kits, Ardwick, Managers Corner, Commonwealth, Academy Lounge, Tunnel Club, 93.20 East, West and Central, Chairman's Lounge, Citizen's Lounge, Joe's East, Joe's West, Mancunian Suite, 1894 Suite, Legends Suite and East, West and South Reception areas.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0000	0000	0000	0000	0000	0000	0000
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: This will most probably take place in the stadium but if externally in the Campus, subject to the appropriate terms of the operating schedule and any event or alcohol management plan. The lounges in the Stadium where this would occur until 0100 are; Kits, Ardwick, Managers Corner, Commonwealth, Academy Lounge, Tunnel Club, 93.20 East, West and Central, Chairman's Lounge, Citizen's Lounge, Joe's East, Joe's West, Mancunian Suite, 1894 Suite, Legends Suite and East, West and South Reception areas.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0700	0700	0700	0700	0700	0700	0700
Finish	0000	0000	0000	0000	0000	0000	0000
Seasonal variations and Non-standard Timings: If an event is agreed to take place on the Campus, then if the event plan and alcohol management provides for an extension of the terminal hour. On occasions when the function rooms in the main Stadium are being used the terminal hour is extended to 0130. The function rooms included in this are; Kits, Ardwick, Managers Corner, Commonwealth, Academy Lounge, Tunnel Club, 93.20 East, West and Central, Chairman's Lounge, Citizen's Lounge, Joe's East, Joe's West, Mancunian Suite, 1894 Suite, Legends Suite and East, West and South Reception areas.							

## Part 2

Details of premises licence holder	
Name:	Manchester City Football Club Ltd
Address:	Etihad Stadium, Rowsley Street, Manchester, M11 3FF
Registered number:	00040946

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Mr Neil Edward Worcester

Address: [REDACTED]

Personal Licence number: PA1715

Issuing Authority: Bolton Council

Annex 1 – Mandatory conditions

Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
  - (a) Unauthorised access or occupation (e.g. through door supervision),
  - (b) Outbreaks of disorder, or
  - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
5.
  - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.

- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula–
- $$P = D + (D \times V)$$
- where –
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### Exhibition of films

9. The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:
- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or

- (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

#### Annex 2 – Conditions consistent with the operating schedule

1. The premises licence holder must comply with the Alcohol Management Plan submitted to and approved by the Licensing Authority for the sale of alcohol on match days. No changes may be made to the plan without the prior written consent of the Licensing Authority. The Alcohol Management Plan will be reviewed in accordance with any recommendations football Safety Advisory Group.
2. The premises licence holder shall prepare for all stadium and public events with a capacity of above 4999, an individual Event Management Plan in conjunction with the appointed Safety Advisory Group, including Responsible Authorities, that includes (when it is sold) an Alcohol Management Plan and a Noise Management Plan (when regulated entertainment is provided). An Event Safety Advisory Group, or such other body, shall be established by the Premises Licence Holder to oversee the delivery of such events and establish the Event Management Plan. The Premises Licence Holder must comply with the Event Management Plan, which shall be submitted to and approved by the Licensing Authority. No changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.
3. A schedule of all programmed public events (including any provisional bookings) regardless of size shall be submitted to the Licensing Authority annually and updated monthly. The schedule shall contain a brief description of the proposed activity including estimated attendances.
4. Upon request by the Licensing Authority, an Event Management Plan for any event shall be submitted to and approved by the Licensing Authority. No changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.
5. Notice must be provided to Licensing Authority at least two months in advance of any event, unless a shorter period is agreed by the Licensing Authority.
6. Whenever the premises are used under the premises licence a digital hard drive CCTV system should be provided and operated to cover the licensed areas in use for licensable activity. All CCTV recorded images shall have sufficient clarity, quality and definition to provide facial recognition. The CCTV images shall be kept in an unedited format for a period of 28 days and any DVD subsequently produced shall be in a format so that it can be played back on a standard personal computer or DVD player. A nominated person or persons, trained in the use of such CCTV equipment, must be able to download, produce or burn the CCTV images upon an appropriate Data Protection Act compliant request by an authorised representative of the responsible authority. The CCTV system shall be maintained on a regular basis and kept in good working order with CCTV maintenance records kept with details of any contractor used or any work carried out. A plan indicating the position of the CCTV cameras should be lodged with Greater Manchester Police.
7. Anyone who appears to be under the age of 25 and who is attempting to purchase alcohol shall be required to produce satisfactory “proof of age” that they are over the age of 18 before such a sale is made, such identification must comply with the PASS

accreditation system, staff serving alcohol shall be trained in this procedure and the training recorded and retained for a minimum of six months and available for inspection by the responsible authorities.

8. Messages by notices or by electronic means displaying prominently the Challenge 25 policy and advising that it is an offence to purchase alcohol for people under the age of 18 will be displayed throughout the premises when alcohol is being sold.
9. A personal licence holder shall be on duty at all times when alcohol is sold under the terms of this premises licence.
10. All staff responsible for the sale of alcohol, including all staff employed by any outside contractors, shall be trained to refuse to serve alcohol to anyone who appears to be drunk and training shall include instruction consistent with the terms of the alcohol management plan in place.
11. No customers carrying open or sealed bottles or other containers with alcohol in them shall be admitted to or allowed to leave the licensed areas covered by this premises licence at any time when they are to be used under the terms of this premises licence, save when the premises is only being used for events such as Christmas or Artisan Markets and agreed with Greater Manchester Police as part of a specific alcohol management plan for that event. Checks should be carried out by members of staff on all persons before admittance to or departure from these licensed areas and any such open or sealed bottles or containers found shall be confiscated.
12. The premises licence holder shall ensure that noise shall not emanate from the licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the premises licence holder so as to prevent such disturbance.
13. The premises licence holder shall monitor that persons on or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
14. The premises licence holder shall take all reasonable steps to ensure that persons leaving licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and/or persons passing by.

**Additional Conditions for operation of the premises licence when the premises are regarded as being used for a designated sporting event in a designated sports ground within the definition in section 9 of The Sporting Events (Control of Alcohol etc.) Act 1985 and subsequent Orders in respect of the main stadium complex.**

15. The sale of alcohol is only permitted:
  - (a) In accordance with the provisions of Sections 2 and 5a of the Sporting Events Control of Alcohol Act 1985 (in respect of rooms where designated sporting events may be directly viewed and to which the general public are not admitted); and
  - (b) In respect of levels 1, 2, 3 and 4 only (including the executive level) in areas from which designated sporting events may not be directly viewed, at all dispense points agreed with
  - (c) Greater Manchester Police to operate on match day.

(d) The permitted hours for the sale of alcohol when the ground is subject to the Sporting Events Control of Alcohol Act 1985 are limited to:

(i.) The first two hours of any designated sporting event and the 45 minute period at half time commencing 15 minutes before half time and ending 15 minutes after half time;

(ii.) The last hour of any designated sporting event.

16. There must be at least two stewards at each entrance to the seated areas or stands at concourse level 1 and at least two stewards at each entrance to the seated areas or stands at all other levels to ensure no alcohol is taken into these areas.
17. Notices must be displayed informing spectators that intoxicating liquor must not be taken onto the terraces or stands.
18. No person shall be permitted to consume alcohol in the areas of the concourse at level 1 painted blue in front of each of the entrances to the seated area.
19. The Designated Premises Supervisor or other nominated person (the relevant person) who is responsible for the management of alcohol sales during the event shall be in attendance throughout the designated sporting event and contact details of the relevant person must be provided in advance of the designated sporting event to the Greater Manchester Police Match day Commander.
20. Sales of alcohol for consumption off the premises are not permitted on match days unless agreed in writing with Greater Manchester Police (hereinafter referred to as the Police) as part of the relevant match day operations plan and alcohol management plans.
21. The sale and supply of alcohol from any temporary bars, and dispense points, including mobile kiosk or sellers, shall be only be permitted in accordance with the Alcohol Management Plan and agreed with Greater Manchester Police.
22. There shall be no happy hour or similar promotions in respect of the sale or supply of alcohol at the premises.
23. Kiosks where alcohol sales are permitted for a designated sporting event will have at least one operator present and all drinks will be dispensed in plastic containers by the staff.
24. The use of any bars or lounges during match days is subject to the nominated safety officer and liaison with Greater Manchester Police.
25. Any regulated entertainment must be ancillary to the designated sporting event.

#### **Operation of the areas identified as City Square and City Plaza**

26. The supply of alcohol under this premises licence for the areas shown on the plan as East Stand City Square (match days and non-match days) and the areas shown on the plans as City Plaza (match days and non-match days) (also known as Commonwealth Way) shall be restricted:-
  - (a) The sale of alcohol in these areas shall be under and in accordance with the approved Alcohol Management Plan for the event.
  - (b) When home fixtures are being played at the Etihad Stadium the sale of alcohol in any agreed East Stand City Square bar (as authorised in the Operations Plan and Alcohol Management Plan for the sale and consumption of alcohol) shall be



permitted to spectators during a period commencing three hours before kick-off and then the two hours after the end of the game or one hour after the game if kick-off takes place after 18:00. In any event alcohol is not permitted to be sold in this area (i) earlier than 11:00 Monday to Saturday or 12:00 on Sunday and (ii) for the duration of the fixture (from kick-off to final whistle). Access to the area shall be controlled in accordance with an operations plan agreed with the Police and the Licensing Authority prior to the match this will determine whether the area is restricted to home supporters or can also service away supporters on production of a valid match ticket.

- (c) On any other occasions the sale of alcohol in East Stand City Square is only permitted to persons attending pre-arranged events such as concerts or other forms of entertainment, product launches or special occasions admissions to which is by ticket or invitation only (save for events specifically agreed with the Licensing Authority and the Police e.g. a Christmas Market).
  - (d) The screening of away fixtures is permitted in East Stand City Square licensed area must be ticketed and all tickets must be sold in advance of the fixture.
  - (e) The capacity and siting of units dispensing alcohol shall be agreed with the Licensing Authority and the Police in accordance with the agreed Alcohol Management Plan."
27. Any areas used for the supply of alcohol shall be clearly demarcated and staffing including SIA licensed operatives and match day stewards shall be employed in numbers determined by the Premises Licence Holder taking into account the General Safety Certificate and the match category and shared with the Police and, if requested, the Licensing Authority to manage and supervise access to and the use of those areas. The area used will be subject to agreement with the Police and the Licensing Authority in advance of the match to determine the extent to which any such area shall be enclosed and restricted by permanent features or by moveable structure/barriers in the case of the creation of a temporary area for the provision of food, drink and/or entertainment under the agreed operating plan.
28. When football fixtures are being played at the Etihad Stadium, the areas shall be managed under control of Match Control in line with the management and control of the adjoining stadium.
29. Alcohol sales for football matches identified as high risk as categorised in the Operations Plan will be subject to agreement with the Police and the Licensing Authority in advance of the match. Agreement to cover the extent to which licensed facilities shall operate including times, who sales can be available to, any limit on numbers and detailed control measures as to the use of licensed areas."
30. Alcohol must be decanted into disposable non-glassware containers and shall only be consumed in the defined City Square and City Plaza areas.
31. Signs should be clearly displayed to inform customers of the Designated Public Places Order/Public Space Protection Order so that they are aware of where the alcohol may be consumed at the relevant time.

**Additional conditions to those applying to public events consistent with operating the stadium and grounds for concerts and non-football sporting events**

32. The sale of alcohol under the premises licence shall be restricted to persons who have purchased tickets for a concert or other similar large scale form of entertainment

being held at the premises.

33. A sufficient number of SIA licensed stewards will be employed to supervise the licensable activities taking place both inside the stadium and the licensed areas surrounding it. The number of such stewards required for each event will be assessed by the premises licence holder on an event by event basis and will be agreed with the Greater Manchester Police as part of the Event Management Plan.
34. No stadium concert involving live amplified music shall last longer than a period of 11 hours.
35. No stadium concert or other similar large scale form of entertainment shall take place at the premises without the prior grant of a Special Safety Certificate from the City Council's Chief Executive Department Planning and Building Control.
36. Noise levels at the mixing tower shall not exceed 103 dBA Leq (10 minutes). Noise data shall be continuously recorded and accessible to city council personnel both during and after any large scale concert involving live amplified music. A noise management plan shall be prepared and submitted by a competent acoustic consultant to Environmental Health 28 days prior to any event. The noise management plan must be approved by Environmental Health prior to the start of the event. Noise levels at the sound mixing tower shall not exceed the level agreed with Environmental Health during the sound propagation test held before the start of any such concert.
37. The licence holder shall comply with any request by the City Council for an appropriate reduction of the "safe level" of the music noise level if, in the opinion of the City Council, after carrying out noise monitoring externally, it is considered excessive. In particular the noise level at the nearest noise sensitive property shall not exceed 75dBA Leq (15 minutes) at any time during any such concert. Any requested reduction, however, shall continue to ensure safe levels within the stadium, ensure a satisfactory audience sound experience during the event, and achieve a suitable noise level externally, in particular the bass levels.
38. A plan to manage the dispersal of those attending any stadium concert or other similar large scale form of entertainment shall be included in the Event Management Plan and agreed by Environmental Health. The plan shall detail the steps that shall be taken to encourage such dispersal in a way that will not cause a potential nuisance to local residents. The plan shall include details of additional signage to be erected between the stadium and local transport connections, including the transport connections in the city centre, in order to direct people to and from the stadium, the number and location of volunteers or staff to be used around the stadium to aid the dispersal of people by directing them to their appropriate car park or train station, the role of Greater Manchester Police in helping to keep those attending the event out of residential areas following its conclusion, and any other details relevant to the dispersal.
39. When a stadium concert or other similar large scale form of entertainment takes place at the premises, the premises licence holder shall co-operate with Manchester City Council in the promotion of the safe walk route to and from Manchester Piccadilly train station and Piccadilly Gardens. In such cases, the premises licence holder shall provide an adequate number of volunteers along the safe walk route to direct ticket holders attending the event.
40. A plan highlighting the safe walk route to and from the stadium shall be sent either electronically or by leaflet to all people who have purchased tickets for any large scale

concert or other similar large scale form of entertainment to be held at the premises.

41. The premises licence holder shall co-operate with Greater Manchester Police in considering:
  - (a) An estate lock down at the end of any stadium concert or other similar large scale form of entertainment;
  - (b) Production of a plan to be shared with all interested parties;
  - (c) The impact on car parking.
42. Either a leaflet or an electronic mail which includes all relevant and appropriate information relating to accessing, attending at and leaving the event, or the promotion of a website that contains this information regarding any stadium concert or other similar large scale form of entertainment shall be sent out with all tickets. This information shall also be provided to any person upon request.
43. All details and risk assessments of any special effects to be used during any stadium concert or other similar large scale form of entertainment shall be submitted to environmental health via the licensing unit. Special effects will include any pyrotechnics, liquid petroleum gas effects, lasers, strobe effects, smoke effects and dry ice etc.
44. Analysis of sanitary provisions needs shall be conducted for each stadium concert or other similar large scale form of entertainment using The Event Safety Guide as a basis for determining what provision is required. Suitable and sufficient sanitary provisions shall then be provided:
  - (a) Within the stadium; and
  - (b) Outside the stadium but within the curtilage of the site.
45. No amplified musical entertainment and/or pyrotechnics shall take place on the premises after 2300.
46. The premises licence holder shall ensure that suitable provision is provided for the clean-up of litter and rubbish outside the stadium and the surrounding residential area. The clean-up will include the areas marked on the map provided by the applicant and along the main roads around Sport City including around the Etihad Campus, including Alan Turing Way, Ashton New Road, Bank Street, Gray Mare Lane, Bradford Road, New Viaduct Street, Every Street and the City Centre Link Route.
47. Any licensable activities taking place in licensed areas outside the stadium will cease 30 minutes before the commencement of the main event (whether that be a stadium concert or some other similar large scale form of entertainment), save by agreement in the Event Management Plan, for example, if an event involves a series of events or matches.
48. Any licensable activities taking place in licensed areas outside the stadium shall terminate by 2230 or 2300 in the case of films.
49. Stadium concerts or other similar large scale form of entertainment shall not be held on more than 12 days in any one calendar year unless authorised by the licensing authority in writing following consultation (should they deem it appropriate) with such agencies and third parties as they see fit.
50. The Event Safety Procedures Manual (or working draft of the manual) shall be made available for inspection to Manchester City Council personnel prior to an event on

giving reasonable notice to the event organisers.

51. The event organisers shall ensure appropriate levels of health and safety for workers and visitors to the site during such a major event and the event organisers shall arrange for a noise assessment in accordance with paragraph 581 of the HSE "The Event Safety Guide" (Second Edition) and further action and monitoring and use of safety equipment in accordance with the health and safety and welfare guidance set out in the HSE "The Event Safety Guide" set out in paragraphs 572 to 594 inclusive.
52. Any noise level established and agreed in accordance with the guideline in paragraphs 572 to 579 of the HSE "The Event Safety Guide" shall be continuously monitored during the event. The continuous noise monitoring should be carried out by persons appointed by the organiser, who shall ensure compliance and satisfactory levels of communication with officers of the appropriate team within Environmental Health. Noise levels shall not exceed whatever level may have been recommended by acoustic consultants employed by the event organiser and agreed with the Environmental Health. Noise data shall be continuously recorded and accessible to Manchester City Council personnel both during and after the event.
53. The premises licence holder shall comply with any request by Manchester City Council for an appropriate reduction of the level of music noise, if in the opinion of the Council after carrying out noise monitoring externally, it is considered excessive. In particular, the noise level at the nearest noise sensitive property shall not exceed whatever level may have been recommended by acoustic consultants employed by the event organiser and agreed with Environmental Health at any time during the event.
54. Every reasonable facility shall be available to Manchester City Council appointed personnel to carry out their duties in relation to noise monitoring with a suitable and safe access route maintained between the sound engineer and the noise monitoring personnel to allow for effective communication and safe means of access and egress shall be provided at the sound mixer point or tower.
55. Sound checks shall only be permitted between the hours of 0900 to 2100 Monday to Saturday and 1000 to 1800 Sunday.
56. At least 48 hours' notice shall be given of the date and time of sound checks in order for Environmental Health to make arrangements for synchronous noise monitoring measuring.
57. All plant and equipment shall be placed and operated in a manner that does not cause noise nuisance to nearby residents, with particular regard to any noisy plant operating during night time hours.
58. Full details and risk assessments of any special effects to be used during an event shall be submitted to Environmental Health. Special effects including any pyrotechnics, liquid petroleum gas effects, lasers, strobe effects, smoke effects and dry ice etc.
59. An analysis of sanitary provision shall be conducted using the Event Safety Guide as a basis for determining what provision is required. Suitable and sufficient sanitary provision shall then be provided.
60. No amplified musical entertainment and/or special effects shall take place on the premises after 2230.
61. The premises licence holder shall provide Environmental Health with the name and contact telephone number of the responsible person (or persons) who can be

contacted throughout the duration of any event involving outdoor regulated musical entertainment. This person (or persons) shall be the premises licence holder's representative and the premises licence holder's contact with the Environmental Health throughout the duration of such events.

62. The premises licence holder shall ensure that suitable provision for the clean-up of litter and rubbish outside the stadium following events.
63. The premises licence holder shall prepare a risk assessment in relation to the four licensing objectives in respect of all events at the premises and a multi-agency meeting shall be arranged by the premises licence holder if requested by the Licensing Authority to review steps identified for the promotion of the four licensing objectives.
64. A plan to manage the dispersal of those attending shall be submitted to and agreed by Environmental Health on those occasions when the risk assessment of the event dictates that such a plan is required. The plan shall detail the steps that shall be taken to encourage the dispersal of those attending the event in a way that shall minimise, so far as reasonably practicable, any potential nuisance to local residents.

**Additional Conditions for the use of the area identified in the plan as the North Car Park**

65. Notice must be provided to Manchester City Council and through the Council the Responsible Authorities at least two months in advance of the use of the North Car Park for any standalone event, unless a shorter period is agreed by the Responsible Authorities, detailing the nature of the event, the dates and the hours proposed, the numbers attending and the licensable activities that are proposed.

**Additional Conditions for the use of the area identified in the plan as the East Car Park**

66. The provision of licensable activities in this the area shown on the plan as the East Car Park shall be restricted to within marquee (or similar) structures for the purposes of events ancillary to matches played at the Etihad Stadium or pre-booked functions. Notice must be provided to Manchester City Council and through the Council the Responsible Authorities at least two months in advance of the use of the East Car Park for any standalone event, unless a shorter period is agreed by the Responsible Authorities, detailing the nature of the event, the dates and the hours proposed, the numbers attending and the licensable activities that are proposed.
67. In the event that the marquee is erected and used for the provision of hospitality on the occasion of matches there will be a maximum capacity of 2000 and will operate for the three hours prior to and two hours after the football match for pre booked hospitality. In any event alcohol shall not be supplied in this area:
  - (a) Earlier than 1100 Monday to Saturday or 1200 on Sunday, and
  - (b) During the duration of the fixture (from kick off to final whistle);
68. If an event is to involve music levels will be agreed in conjunction with Environmental Health before the event is confirmed.

Annex 3 – Conditions attached after hearing by the licensing authority
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Not applicable
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Annex 4 – Plans
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See attached
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CO/1822/2006

Neutral Citation Number: [2006] EWHC 1278 (Admin)  
IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
THE ADMINISTRATIVE COURT

Royal Courts of Justice  
Strand  
London WC2

Tuesday, 9 May 2006

B E F O R E:

**LORD JUSTICE SCOTT BAKER**  
**MR JUSTICE OPENSHAW**

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**CRAWLEY BOROUGH COUNCIL**

**(CLAIMANT)**

-v-

**STUART ATTENBOROUGH**  
**ANGELA ATTENBOROUGH**

**(DEFENDANTS)**

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**MR PETER MILLER** (instructed by Crawley Borough Council) appeared on behalf of the  
CLAIMANT

**MR JEREMY PHILLIPS** (instructed by Sprecher Halberstam) appeared on behalf of the  
DEFENDANT

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J U D G M E N T  
(Approved by the Court)

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1. LORD JUSTICE SCOTT BAKER: There is before the court an appeal by way of case stated against the decision of the Horsham Justices in a licensing matter made on 23 November 2005. On that date, they heard an appeal by Mr and Mrs Attenborough who manage the Royal Oak Public House. The appeal was as to conditions imposed on the premises license in respect of those premises.
2. The Attenboroughs sought to conduct additional activities, including regulated entertainment, provision of entertainment facilities and late night refreshments up until 3.30 in the morning, seven days a week; provision of alcohol up to 2.30 in the morning, seven days a week, and opening hours up to 3.30, seven days a week.
3. Broadly, the local authority granted the application to vary the license, subject to conditions, allowing the applicants to do what they sought but only up until midnight. They took the view that granting everything the Attenboroughs sought would create an unacceptably high risk of public nuisance by noise. The Attenboroughs appealed to the Justices, as they were entitled to do, and had substantial success. However, the local authority has appealed by way of case stated on two grounds. First, that the conditions imposed by the Justices were vague, uncertain, imprecise and unenforceable; and second, that the justices were further in error in granting the Attenboroughs the costs of the appeal before them.
4. The local authority, who are the appellants, asks for the case to be sent back to the justices for appropriate and clear conditions to be made. Initially, there was an application by Mr Miller, for the local authority, to amend the case stated but, on inquiry, it became apparent that the real complaint of the local authority relates to the vagueness and uncertainty of the conditions, and that a practical way of resolving that would be for the parties, with some preliminary assistance from the court, to get together and resolve what conditions the magistrates actually intended to impose and to spell them out in clearer terms.
5. The second ground of appeal is, as I have mentioned, that the justices should not have made a full order for costs in favour of the Attenboroughs against the local authority.
6. As to the clarity of the conditions, I am happy to say that the parties have now resolved the terms and conditions of the licence and spelt them out in a form that is acceptable to each of them and to the court. Let me say a brief word in general terms. It is important that the terms of a premises licence and any conditions attached to it should be clear; not just clear to those having specialised knowledge of licensing, such as the local authority or the manager of the premises, but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all.
7. The terms of a licence and its conditions may of course be the subject of enforcement. Breach carries criminal sanctions. Everyone must know where they stand from the terms of the document. It must be apparent from reading the document what the license and its conditions mean. That said, the matter has now been resolved, the terms and conditions of the license clarified, and accordingly I would answer the first of the questions posed by the justices, namely: were we wrong in law to impose the following terms and conditions on the premises license that we did? in the affirmative, because



the terms were so vague and unclear as to be, in effect, unenforceable. As to that matter, I would remit the case to the justices and direct them to allow the appeal from the local authority with the revised terms and conditions of the license that have been agreed by the parties and approved by this court.

8. As to the second question: were we wrong in law in awarding costs against the local authority in full on the basis that costs are a matter for the court and that the respondents are entitled to their costs? The position was this. The magistrates were referred to the observations of the Lord Chief Justice in Bradford City Metropolitan District Council v Booth (Times Law Reports, 31 May 2000). In that case, the court was considering the exercise of the power by the magistrates under section 64(1) of the Magistrate Courts Act 1980 to make such order as to costs as it thinks just and reasonable. In the present case, the court was exercising its power under section 181 of the Licensing Act 2003 in making such order as to costs as it thinks fit. For my part, I see no practical distinction between the terms of section 181 and section 64(1) of the Magistrates' Court Act. The parties take the same view and agree that the observations of Lord Bingham in the Bradford case are applicable to the present case as to the proper approach to be applied. Lord Bingham said this:

"1. Section 64(1) conferred a discretion on a magistrates' court to make such order as to costs as it thought just and reasonable; that provision applied both to the quantum of the costs, if any, to be paid, but also as to the party, if any, which should pay them.

2. What the court would think just and reasonable would depend on all the relevant facts and circumstances of the case before it. It might think it just and reasonable that costs should follow the event, but need not think so in all the cases covered by the subsection.

3. Where a complainant had successfully challenged before justices and administrative decision made by a police or regulatory authority acting honestly, reasonably, properly and on grounds that reasonably appeared to be sound, in exercise of its public duty, the court should consider, in addition to any other relevant fact or circumstances, both

(i) the financial prejudice to the particular complainant in the particular circumstances if an order for costs was not made in his favour; and.

(ii) the need to encourage public authorities to make and stand by honest, reasonable and apparently sound administrative decisions made in the public interest without fear of exposure to undue financial prejudice if the decision was successfully challenged."

9. The magistrates gave the following reason for their decision:

"We were entitled to make an order as to costs in accordance with our discretion as we had considered all the circumstances concerning the facts and the history of the case and awarded costs against Crawley Borough Council as were just and reasonable given the variation made."

And a little earlier in the main paragraph of the case, setting out the basis for their decision, they said:

"There is no real problem relating to noise nuisance from the interior of the Royal Oak Public House having heard the evidence of Mr Petrou and Mr Burns and visiting the premises itself."

10. We have been referred also to my decision in the R v Stafford Crown Court ex parte Wilf Gilbert (Staffs) Ltd [2001] LLR 138, in which I made reference to the general rule that there is no obligation to give reasons for a decision on costs, citing Eagil Trust Co v Pigott-Brown [1985] 3 All ER 119 and, in particular, a passage from Griffiths LJ's judgment at 122A. It seems to me very doubtful whether that decision has survived the new Criminal Procedure Rules which have loosened the opportunity to appeal on costs decisions.
11. Be that as it may, the justices did give reasons for their decision in the present case, the reasons to which I have referred. For my part I think, first of all, there is no obligation on justices in cases of this kind to go in detail into the reasons for their decision, and it is sufficient that they have made it clear that they appreciated the principle under which they were operating. Secondly, I make the general observation that it seems to me highly undesirable that the courts should do anything to encourage satellite litigation on questions such as costs.
12. It is plain from section 181 and also, so far as material, section 64(1) of the Magistrates' Court Act 1980 that in a case of this kind the justices have a very wide discretion in what costs order they see fit to make. They will, after all, have heard the appeal, which in this case took something in the region of two days.
13. Mr Miller submits that they went wrong because they ordered the local authority to pay all of the appellant's costs without making a finding that the local authority had behaved unreasonably. In my judgment, he is seeking to import into the magistrates' discretion something that the statute does not specifically say. Further, Mr Miller refers to the reasons for the court's decision as originally provided, but it seems to me that the critical matter in this case is what was said in the stated case after no doubt more careful consideration.
14. In truth, what happened here seems to me to be that the local authority was contending that what was sought by Mr and Mrs Attenborough would amount to a noise nuisance. I have looked at the submissions made by the local authority before the justices and they there set out under six separate subheadings their basis for that submission.
15. The magistrates heard evidence from Mr Petrou and Mr Burns, and Mr Miller submits that the local authority did not have the advantage beforehand of that evidence. It seems to me that, on the face of it, the magistrates had all material matters in mind and

it was within the ambit of their discretion to make the order that they did entitling Mr and Mrs Attenborough to have the costs of the appeal.

16. It is for these reasons that I would answer the second question in the negative.
17. MR JUSTICE OPENSHAW: I agree.
18. LORD JUSTICE SCOTT BAKER: What about consequential matters; the costs of this appeal?
19. MR PHILLIPS: My Lord, you have allowed the appeal in part.
20. LORD JUSTICE SCOTT BAKER: Yes.
21. MR PHILLIPS: Mr Miller and I have had the opportunity of following the early discussion as to how that left us and we agreed between ourselves that we might apportion 25 per cent on each of our parts of the costs and preparation of this case to that element of the hearing – in other words 25 per cent of our overall costs were attributable to the issue of the conditions.
22. My Lord, that leaves the remaining 75 per cent relating to the case presented on costs which it is clear from your Lordship's judgment my client has been successful on.
23. LORD JUSTICE SCOTT BAKER: What costs order are you saying we should make?
24. MR PHILLIPS: My Lord, I would invite you to make an order that the claimant pay 75 per cent of the respondent's costs in connection with the application to state a case.
25. LORD JUSTICE SCOTT BAKER: The appellant.
26. MR PHILLIPS: Sorry, the appellant.
27. LORD JUSTICE SCOTT BAKER: The local authority.
28. MR PHILLIPS: The local authority.
29. LORD JUSTICE SCOTT BAKER: So you are asking him to pay how much of your costs?
30. MR PHILLIPS: Seventy-five per cent of our costs, my Lord. In addition to that, my Lord, my instructing solicitors pointed out to me that there is an issue of the interests that should be payable on the costs awarded by a magistrate which would have been payable from 23 December 2005, and, as I understand it, has not been paid to date.
31. LORD JUSTICE SCOTT BAKER: What do you say about these submissions?
32. MR MILLER: My Lord, in terms of interest, I am unaware of any provision in the magistrates' court that provide for interest to be paid.
33. LORD JUSTICE SCOTT BAKER: I am sorry?

34. MR MILLER: I am unaware of any provision that says interest must be paid.
35. LORD JUSTICE SCOTT BAKER: Why have you not paid the costs?
36. MR MILLER: My Lord, as I say there has been an appeal.
37. LORD JUSTICE SCOTT BAKER: Yes.
38. MR MILLER: As I understand it, there is costs between courts and the local authority, and the courts are not very happy that pending the appeal costs should be paid. That is my understanding.
39. LORD JUSTICE SCOTT BAKER: There was no order that costs should be paid pending the appeal.
40. MR MILLER: There was no order, but as I understand it, those instructing me did the approach the court.
41. LORD JUSTICE SCOTT BAKER: Sorry, I cannot follow you. I do not think it is for us to order interest on the costs.
42. MR MILLER: My Lord, yes. In terms of the costs of today, yes, it has been agreed to a deduction of 25 per cent. I have not actually seen the schedule of the costs for today.
43. MR PHILLIPS: I have that, and the figure has been calculated. It is set out on the schedule to be handed up. (Document handed) My Lord, the costs are fully set out there, I understand from my instructing solicitors that the schedule has previously been served, there seems to be a dispute, but the 75 per cent figure comes to £8,318, I believe.
44. LORD JUSTICE SCOTT BAKER: So you are asking for an order that the local authority pay your costs, being 75 per cent of your costs and assessed in the sum of £8,318.
45. MR PHILLIPS: Quite so, my Lord.
46. LORD JUSTICE SCOTT BAKER: First of all, what do you say about the 75 per cent?
47. MR MILLER: My Lord, it had been agreed between the parties.
48. LORD JUSTICE SCOTT BAKER: That is all right. What do you say about the figures, then?
49. MR MILLER: I actually have just been handed a copy of the schedule. They are (inaudible) very high, in my submission.
50. MR PHILLIPS: My Lord, one minor correction. I think my instructing solicitors had allowed for seven hours of time for today. Obviously the matter has been determined rather sooner, so possibly ...

51. LORD JUSTICE SCOTT BAKER: The alternative is to simply make an order that you have 75 per cent of your costs and the costs to be assessed.
52. MR PHILLIPS: That could be the case, my Lord.
53. LORD JUSTICE SCOTT BAKER: If not agreed.
54. MR PHILLIPS: Yes.
55. LORD JUSTICE SCOTT BAKER: You have not really had a chance of looking at this, I think.
56. MR MILLER: My Lord, no.
57. MR PHILLIPS: My Lord, my instructions are that the schedule was served yesterday, but so be it.
58. LORD JUSTICE SCOTT BAKER: I mean with any luck you can agree them, but 75 per cent of your costs to be assessed if not agreed. Does that cover everything?
59. MR PHILLIPS: My Lord, yes.

Case No: C1/2015/3287

Neutral Citation Number: [2016] EWCA Civ 609  
**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**PLANNING COURT**  
**MR JUSTICE LINDBLOM**  
**[2015] EWHC 2367 (ADMIN)**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 29/06/2016

**Before:**

**LORD JUSTICE LAWS**  
**LORD JUSTICE McFARLANE**  
**LORD JUSTICE CHRISTOPHER CLARKE**

-----

**Between :**

<b>Forster</b>	<b><u>Appellant</u></b>
<b>- and -</b>	
<b>The Secretary of State for Communities and Local Government and Ors</b>	<b><u>Respondents</u></b>

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**Annabel Graham Paul** (instructed by **Harrison Grant Solicitors**) for the **Appellant**  
**Ned Westaway** (instructed by **the Government Legal Department**) for the **Secretary of State**  
**Richard Ground QC** (instructed by **Dentons UKMEA LLP**) for the **Third Respondent**

Hearing date: 8 June 2016

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**Judgment**

**LORD JUSTICE LAWS:*****INTRODUCTION***

1. This is an appeal, with permission granted by myself after a hearing on 18 February 2016, against the decision of Lindblom J as he then was given in the Administrative Court on 6 August 2015 ([2015] EWHC 2367 (Admin)). The judge dismissed the appellant's claim brought under s.288 of the Town and Country Planning Act 1990 seeking an order to quash a planning permission granted in October 2014 by the Secretary of State's Inspector (on appeal from a refusal by the London Borough of Tower Hamlets). The permission was for the demolition of a single storey building in Stepney and the erection in its place of a three storey building with commercial uses on the ground floor and six flats on the floors above. Permission to appeal to this court was originally refused by Lewison LJ on consideration of the papers on 11 January 2016.
2. The premises in respect of which the planning permission was granted used to be Stepney's Nightclub. The appellant is the freehold owner of the George Tavern, which is also her home. The George is adjacent to Stepney's Nightclub. In her submission (composed by herself) to the local planning authority opposing the planning application the appellant described the activities at the George as follows:

**“Live music venue** – on Friday and Saturday nights we remain open until 3 am and have live music, performances and events and it is these nights that bring in the most revenues (see attachment of income and outgoings...which show that live music nights account for 82% of the George's revenue despite only representing 33% of the days that we are open). It is essential for the business that we keep our late licence on these nights. The George Tavern is a quiet local during the week and we barely cover our costs on week nights. If our trading hours were reduced and our live music licence lost due to noise complaints from a nearby residential development, the George Tavern would no longer be financially viable, which would result in closure. The local community would lose yet another local pub, live music and performance venue.

**Location business** – another crucial aspect of the business is renting out the rooms above the George as locations for photography and film shoots. The George is popular for locations and one of the reasons we get bookings is because of the historical features such as the staircase and the original interior. The fact that the George has 360 degrees natural light is also crucial to securing bookings. The original staircase is a beautiful feature of the George, which runs from the first to the third floors. It is used in almost every location shoot. The staircase gets its light solely from the east elevation, which would be blocked if the proposed development goes ahead. This would seriously jeopardise my locations business. With the bar sometimes making a loss, the money that I earn from locations bookings not only pays the mortgage on the building,

but also supports the bar when it does not bring in enough revenue.”

I shall have to refer further to the appellant’s representations when I come to deal with counsel’s arguments.

3. The Secretary of State’s Inspector in October 2014 allowed the developers’ appeal not only in relation to the planning permission, but also in relation to Conservation Area Consent (Stepney’s Nightclub was in the Commercial Road Conservation Area) and Listed Building Consent (the George and another adjacent building were listed, and the developers’ proposal included alterations to their external walls).
4. Six issues were raised before Lindblom J, of which the fifth prefigures the first question in this appeal. It was expressed thus:

“whether [the Inspector] failed to take into account as a material consideration the harm a development would do to the viability of the George Tavern”.

More specifically, the question is as to possible future complaints from residents of the new flats about noise from the George, notwithstanding the Inspector’s conclusion (to which I will refer shortly) that the residents would not be subjected to unreasonable levels of noise. Ms Graham Paul for the appellant submits that there is a risk, unacknowledged by the Inspector, that such complaints might ultimately lead to the revocation of her late night music licence or the grant of an injunction in a private nuisance claim which would curtail the activities that keep the George going.

5. The appellant had another point about reduced sunlight and daylight, given the use of the George as a studio for artists and photographers and as a film location. In the parties’ written submissions this received less emphasis than the issue on noise, and in granting permission to appeal I said that had it stood alone “I rather doubt whether I would have given permission...”. In the event it has occupied centre stage; I will return to that.

### ***THE NOISE ISSUE***

6. I should note by way of preliminary that a large number of documents have been included in the court papers, as I understand it at the appellant’s behest, which were not before the judge below. They include press reports assembled (I assume) to demonstrate the importance of the noise issue for businesses like that carried on at the George in London and elsewhere. In fairness I should say that Ms Graham Paul made no application at the hearing to have this material admitted as fresh evidence. Had she done so for my part I would have refused the application. There is no proper basis for its introduction at this stage, and it would not have advanced the adjudication of the issue.
7. The impact of noise from the activities carried on at the George upon the residents in the proposed development yields the first reason why in July 2013 the local planning authority, Tower Hamlets, refused planning permission:



“The amenity of the new residents within the proposed three storey building and the area generally would be detrimentally affected by reason of general disturbance and significant noise emanating from clients using the outside beer garden area in Aylward Street and from the George Tavern public house building with live music licence including associated plant.”

*The Inspector’s Decision*

8. On appeal the Inspector at paragraph 5 of his decision letter identified the “main issue” as being “whether the future residents of the proposed scheme would be subjected to unreasonable levels of noise”. He referred to the George at paragraph 8:

“The George Tavern operates as a public house and a live music venue, holding music events late into the night, until as late as 0300 hrs. The use of the public house also involves the use by patrons of the open area on Aylward Street as a beer garden. The site and the surroundings are also subjected to noise from the surrounding roads, most notably Commercial Road. Concerns are expressed by the owner of the public house as well as many others, that the presence of residential units on the appeal site will give rise to restrictions on the functioning of the public house and its ability to host music events. I shall divide the consideration of noise into various categories.”

Thereafter the decision letter contains no further reference to the George, save for paragraph 17 (to which I will come) which is relevant only to the daylight issue.

9. The Inspector had expert acoustic evidence from the developer (the third respondents). He also made a site visit. There is evidence that the site visit was comprehensive, and the appellant, who attended it, had and took the opportunity to point out areas which gave rise to her concerns. The Inspector considered the evidence relating to noise at paragraphs 9 – 15 of his decision letter. He concluded at paragraph 21 that “with suitable conditions, the living conditions of future residents can be protected from noise generated locally.” It is apparent that this conclusion was arrived at on the premise that insulation measures proposed by the experts would be in place; and impliedly, therefore, on the footing that the windows of the flats would be closed. There was some discussion at the hearing about the implications of this, and I will briefly refer to it. I should say at this stage that in my view it is of the first importance that there is no challenge in this court to the Inspector’s conclusion at paragraph 21 that the noise levels would be reasonable.
10. The Inspector’s decision letter contains no distinct reasoning concerning the consequences (if any) for the George of any complaints about noise that might be made by residents of the new flats.

*The Judgment Below*

11. Giving judgment on the statutory appeal, Lindblom J turned to what was the fifth issue before him (giving rise to the noise issue) at paragraphs 76 – 81. He introduced it thus:

“76. Ms Graham Paul submits that the Inspector failed to have regard to the potential harm to the operation of the George Tavern as an established business... The testing of the ‘sound insulation’ measures provided in the new development might show them to be adequate before the flats were occupied. But even if it did, this would be no guarantee that residents of those flats would not in the future complain to the council about noise coming from the George Tavern. Such complaints might lead to an abatement notice being served, or ‘the revocation of the [George Tavern’s] late night music [licence] on the ground that there was a breach of the licensing objective of prevention of public nuisance’, or an injunction being granted to prevent a private nuisance. It would be no defence to a claim in nuisance that the residents of the new flats had come to the nuisance.”

12. As for the argument about possible future complaints of noise, the judge said this:

“77. Those submissions are not well founded. The inspector did not fail to grasp the true nature of Ms Forster’s objection to the proposed development. In stating the main issue in the appeal to be ‘whether the future residents of the proposed scheme would be subjected to unreasonable levels of noise’ (paragraph 5 of the decision letter), and in acknowledging Ms Forster’s assertion ‘that the presence of residential units on the appeal site will give rise to restrictions on the functioning of the public house and its ability to host music events’ (paragraph 8), he effectively recognised the matters about which she was mainly concerned. If, as he concluded, residents of the flats in the new development were not going to be subjected to unreasonable levels of noise, it would follow that those residents would not be likely to complain about such noise and that the spectre of future proceedings against Ms Forster could therefore reasonably be discounted.

...

79... But in any event the inspector’s task was to make planning judgments on the land use planning issues before him, and not to anticipate the likelihood or outcome of future proceedings against Ms Forster as owner of the George Tavern. He cannot be criticized for not venturing into the law of nuisance. His remit was to determine Swan’s appeal on the planning merits, having regard to the public interest. That is what he did. The issues he discerned in the appeal were truly planning issues, the main one being whether planning

permission should be withheld because residents of the flats in the proposed development would suffer unreasonable levels of noise. Having considered those issues, he could see no reason for planning permission to be refused.”

*The Appellant’s Argument*

13. Ms Graham Paul assaults this reasoning. She submits first that the impact of a prospective planning permission on the viability of a neighbouring business may in principle amount to a material planning consideration; and so in principle it may. Mr Westaway for the Secretary of State expressly accepts as much. Then she submits that the potential threat to the appellant’s business posed by the possible revocation of the George’s late night music licence, or an injunction in a suit for private nuisance (in either case, as I have said, following complaints of noise from the George’s new neighbours) constitutes just such a planning consideration in this case; yet the Inspector failed to consider, and certainly failed to assess, such risks.
14. Ms Graham Paul disavows any suggestion that the Inspector should have entered into the details of the licensing laws or the law of nuisance. But, she submits, he was obliged to acknowledge the existence on those fronts of potential risks to the appellant’s business: and she said the judge was wrong at paragraph 77 to discount the possibility of likely complaints by future neighbours merely because the inspector had found in planning terms that they would not be subjected to unreasonable levels of noise. She submits that the Inspector should at least have weighed the potential risks to her business against the benefits of the appeal’s scheme.
15. Granting permission to appeal after the hearing at which both the appellant and the developers were represented, I said (paragraph 12) “the fact that the planning authorities may conclude that levels of noise will be no more than reasonable... does not I think in law or fact exclude the possibility of later claims which may be found to have weight. The extent to which the planning system should have regard to such potential indirect outcomes of a permission is a matter in my view which justifies an appeal to this court”.

*Conclusions on the Noise Issue*

16. As I have said, the impact of a prospective planning permission on the viability of a neighbouring business may in principle amount to a material planning consideration. But in my judgment, if such an argument is to be advanced it should be clearly raised before the Inquiry Inspector (if there is an appeal to the Secretary of State) with a sufficient degree of particularity and supporting evidence to enable the Inspector to reach an objective and reasoned conclusion on the point. If it is advanced in purely general terms, that would most likely do no more than invite the inspector to embark upon a merely speculative exercise; and such a process would be unorthodox and illegitimate. No doubt there are situations where the threat posed by a prospective planning permission to a neighbouring business will stare the Inspector in the face: the prospect of a new retail outlet across the street from an established shop selling the same range of goods is an instance. But in other cases, and this is surely one, the alleged effects of the proposed development will by no means be so clear. Where that is so, an evidence-based case needs to be made.

17. In my judgment no such case was presented by the appellant to the Inspector.
18. I accept – indeed there is no doubt – that the appellant voiced her concern about what she saw as a threat to her business. In a passage I have already cited from her submission to the local planning authority, it will be recalled that this appears:

“If our trading hours were reduced and our live music licence lost due to noise complaints from a nearby residential development, the George Tavern would no longer be financially viable...”

Later in the same document:

“However much sound insulation is provided, the noise is eventually going to be heard from accommodation so close. In the summer the proposed windows and balcony doors will be left open. What use is any sound insulation incorporated by the applicant in its development then?

...

The proposal for flats with balconies overlooking this space is bound to result in a limitation of use being brought against The George.

However well acoustically insulated flats may be, their windows and doors are sure to be open in the summer and complaints are sure to arise. This can be foreseen now and is itself another reason demonstrating that residential accommodation is unsuitable for this location.”

19. That document was, as I have said, submitted to the local planning authority; but it is common ground that at the appeal stage it will have been placed before the Inspector. In a later submission (undated, but sent as I understand it in June 2012) the appellant said this:

“First of all I would like to draw your attention to the fact that this proposal is in direct contravention of current and local planning policies. The developer has not demonstrated that the proposed development would be acceptable in terms of noise, and this fact alone raises the very real risk of complaints about activities in the George, which would very possibly lead to revocation of our late night music license [*sic*].”

In an email letter dated 3 March 2014 (to which I shall have to refer further in dealing with the daylight issue), addressed directly to the Inspector, she made further observations which she said “should be considered in addition to those raised to contest the original application”. The appellant stated:

“In summary, there is a very real risk that I will be forced to close The George Tavern if permission is granted for the development as the development will have a very serious

adverse impact on my income stream from both my bar and photographic/film location businesses. It is highly likely that I will lose my live music license [*sic*] if permission is granted for residential use for the adjacent site, which will have an enormous detrimental impact on my bar business.”

20. It is notable that in her submission of June 2012 the appellant aligned her case on noise to an assault on the noise assessments advanced by the developer (“the developer has not demonstrated...”). The submission of March 2014 is cast in general terms. So are the appellant’s observations set out in her original representations made to the local planning authority.
21. There are, certainly, references to a risk that the appellant’s live music licence might or would be lost. But the case she seeks to make is that such a risk (or the risk of an injunction) might eventuate as a result of complaints about noise *notwithstanding* a conclusion by the Inspector that the noise levels would be reasonable. In my judgment such a case would require chapter and verse – at least some material, if it could be found, to raise the possibility that the licensing or nuisance regime might reach a different conclusion, and to enable the Inspector to form some assessment of the degree of risk involved. Nothing of the kind was put before the Inspector. He was in no position to make any judgment as to the gravity of the risk which the appellant feared. The fact (to which Ms Graham Paul adverted) that the Inspector had, at least, information as to the noise levels which would affect the new development cannot provide an objective basis upon which the Inspector might measure, even roughly, the likely response of a licensing committee or common law judge to future complaints from the residents.
22. Ms Graham Paul also submitted that the Inspector might have held that *any* risk of the loss of the George’s licence would be unacceptable. But the appellant’s case was not advanced in such stark terms. If it had been, given the body of support in favour of the development (whose details I need not describe), there must at least be a question whether such a conclusion would pass the *Wednesbury* test ([1948] 1 KB 223), despite the elementary rule that planning judgment is firmly in the bailiwick of the merits decision-maker. The reality is that if a substantive case was to be made that the George would be at risk despite a favourable conclusion on noise by the Inspector, there would have to be material enabling a sensible assessment to be made of the risk’s extent.
23. However Ms Graham Paul acknowledged – indeed, asserted – that it might well have been impossible for the appellant to produce distinct evidence as to the likelihood of the loss of her licence or the grant of an injunction. I think that is right as a matter of common sense; but it only goes to show that any attempt at such a predictive exercise is bound to be speculative. The fact (if it be such) that neither the appellant, nor I suppose anyone else, was in any position to support the case on risk with evidence as to the likely outcome of future complaints in contexts other than planning cannot require the Inspector to confront the issue on no evidence. On the contrary it lends support to the judge’s conclusion at paragraph 79: “the inspector’s task was to make planning judgments on the land use planning issues before him, and not to anticipate the likelihood or outcome of future proceedings against Ms Forster as owner of the George Tavern”.

24. I would therefore reject the appellant's case on the noise issue. There are two further points by way of postscript. First I would accept Mr Westaway's argument (skeleton, paragraphs 23 – 25) that while a licensing committee is not bound to follow a planning decision-maker's conclusion, nor *vice versa*, each will and should have regard to the other where both make decisions in the same context. That being so I would reject Ms Graham Paul's submission (skeleton paragraph 36) that licensed operators such as the appellant are "falling into a void" between separate legal regimes. Moreover I think the judge was in error at paragraph 77 in holding that "if... residents of the flats in the new development were not going to be subjected to unreasonable levels of noise, it would follow that those residents would not be likely to complain about such noise..." Humanity being what it is, people are liable to complain about anything; the question here is whether there is any objective possibility of quantifying, however roughly, the likely prospects of success of such complaints. There is none.
25. The second and final point concerns the fact (to which I have referred in passing) that the Inspector's conclusion on noise proceeded on the implicit basis that the windows of the flats would be closed. At the hearing my Lord McFarlane LJ raised the possible significance of this feature: residents would be likely to open their windows in fine weather (or would wish to do so), and if they did, increased levels of noise from the George might fuel complaints. However no point about noise and open windows was taken by the appellant before Lindblom J, nor in this court. So far as I can see the only reference in the planning process to open windows is the passage in the appellant's submission to the local planning authority which I have cited at paragraph 18. Moreover it seems to me that such a point, if it had been raised, would have been material to the Inspector's conclusion (paragraph 21) that the noise levels were reasonable; however, as I have emphasised (paragraph 9), there is no challenge in this court to that conclusion.
26. In fact Ms Graham Paul did not accept that planning permission could properly have been refused on the footing that the noise with the windows open would have been unreasonable, as I understood her because the developers had put forward a proper sound insulation system. That seems to me to be something of a *non sequitur*. If there was any point to be taken about noise and open windows, it would have gone to the Inspector's paragraph 21 conclusion. It has no independent force as a buttress for the appellant's fears of risk to her licence; and if it did, it would falter on the want of any means of quantifying the risk.

### ***THE LIGHT ISSUE***

27. The Inspector addressed the development's implications for natural light in the interior of the George in a single paragraph:

"17. Although the Council appear to be satisfied about the effects on residents within the adjacent public house, objections have been received in relation to these direct effects. I was able to gain access to the residential upper floors within the public house and to look out over the appeal site. Furthermore, the appellants submitted with the appeal an assessment of the effects of the proposal on daylight and sunlight received at the neighbouring property. As a result of my own consideration of

this matter and in the absence of any evidence to the contrary, I accept the conclusions set out therein, that there would be no unreasonable effects in this respect.”

28. At paragraph 80 of his judgment Lindblom J said this:

“I also accept the submissions of Mr Westaway and Mr Ground on the inspector's consideration of the likely effects of the proposed development on daylight and sunlight reaching the George Tavern. The inspector dealt with this matter in paragraph 17 of the decision letter. His conclusion matched that of the expert assessment on the effects of the development on daylight and sunlight, submitted by Swan with their application for planning permission in October 2011. The council had not opposed the development on these grounds. But the inspector came to his own judgment upon it, having regard to the material before him, and to what he had seen on his site visit, when he visited the upper floors of the George Tavern and looked out over the appeal site. Contrary to Ms Graham Paul's submission, he did not fail to consider what she described as the ‘abnormally sensitive uses’ on those upper floors. He did not neglect this aspect of Ms Forster’s objection, including her fear that the use of her premises ‘as a location for film, music videos and for fashion shoots’ would be jeopardized. As he said at the end of paragraph 17 of his letter, he was satisfied that the development would have ‘no unreasonable effects’ on daylight and sunlight. This was classically a judgment for him to make, and with which the court cannot, in my view, properly interfere. I cannot see how any more detailed reasons could be expected here. They would only elaborate on what was, in fact, a straightforward exercise of planning judgment.”

29. The appellant had raised specific concerns as to the effects of loss of light in the George (as she saw it) having regard to its use for film and photographic location shoots. She placed particular emphasis on the staircase. I will repeat this passage from her original submission to the local planning authority, under the heading “Location Business”:

“The original staircase is a beautiful feature of the George, which runs from the first to the third floors. It is used in almost every location shoot. The staircase gets its light solely from the east elevation, which would be blocked if the proposed development goes ahead. This would seriously jeopardise my locations business.”

Later in the same document this appears:

“The window onto the main stair landing between first and second floor is a set piece for almost all users. To deny this direct sunlight and much of its changing qualities of light would be a serious loss.”

There is no reference to loss of light in the appellant's June 2012 submission. However in her letter to the Inspector of 3 March 2014 she said this:

“The proposal will also result in a serious loss of light to the upper floors of The George Tavern, which will severely impact on my location business as further described below...

If the proposed application were to be approved... I would lose the sun light that pours through the windows onto the wide staircase and landings, the bedroom, part of the kitchen and my artists studio.

If this natural source of light were to be denied or compromised, I would lose an essential part of my revenue, which is not only important to the restoration of the building, but also subsidizes the running and upkeep of the George Tavern bar. This is an important factor and should be seriously taken into account.”

30. These concerns are not referred to in paragraph 17 of the decision letter. It is, of course, well recognised that such decisions are to be read with a certain degree of latitude. As Lindblom J said in *Bloor Homes East Midlands Ltd* [2014] EWHC 754 (Admin) at paragraph 19:

“Decisions of the Secretary of State and his inspectors in appeals against the refusal of planning permission are to be construed in a reasonably flexible way. Decision letters are written principally for parties who know what the issues between them are and what evidence and argument has been deployed on those issues. An inspector does not need to ‘rehearse every argument relating to each matter in every paragraph’ (see the judgment of Forbes J in *Seddon Properties v Secretary of State for the Environment* (1981) 42 P. & C.R. 26, at p.28).”

But the appellant's point about light (especially on the staircase) and the effect of its diminution on her business was specific and distinct. There was, it is true, nothing about it in the local planning authority's presentation to the Inspector (they of course had refused planning permission), and it is not clear how far the issue received any emphasis at the site visit. Moreover the appellant's original submission to the local planning authority was more pointed, certainly in relation to the staircase, than her later letter to the Inspector. But in my judgment the issue was sufficiently flagged to require the Inspector to deal with it in terms; and he did not.

31. That conclusion might, I acknowledge, be undermined or indeed refuted if the evidence before the Inspector demonstrated that on the facts there was nothing in the point. But that is not the case. Dr Defoe's expert report, commissioned by the developers, has this reference to the staircase on the third page:

“The flank elevation of the George Tavern faces almost due east, from which it does benefit from the morning sunlight at



present and, although this will be almost totally eliminated by the proposed development, it should be noted that the ‘rooms’ affected are a staircase at first second and third floor levels, and what might conceivably be bedrooms to the rear of the second and third floors.”

The report proceeds to discuss the development’s effect on light through “two existing windows serving habitable rooms” and concludes that they “will experience a negligible reduction in VSC [‘vertical sky component’ – a measure of ‘the amount of skylight falling on a vertical wall or window’]”. As I understand it – at the hearing we were shown a number of illustrative materials – these are not windows giving onto the staircase.

32. In the circumstances it is by no means clear that the appellant’s apprehensions concerning light (especially upon the staircase) have objectively been set at rest. In my judgment the Inspector was bound to deal with them and did not do so. I do not think, with respect, that the judge was entitled to conclude at paragraph 80 that “[the Inspector] did not neglect this aspect of Ms Forster’s objection [the ‘abnormally sensitive uses’], including her fear that the use of her premises ‘as a location for film, music videos and for fashion shoots’ would be jeopardized”.
33. I suspect, though this does not advance the matter, that the significance of the appellant’s concerns may have been misplaced by the Inspector given the range of materials he had to consider. If so, it is perhaps an illustration of the need for vigilance on the part of a decision-maker dealing with a case, as happened here, on written representations only.

### ***OVERALL CONCLUSION***

34. I would allow the appeal on the light issue only. If my Lords take the same view, the question of relief arises. At the hearing counsel were agreed, I think correctly, that the only form of relief contemplated by the statute (s.288(5) of the 1990 Act) is an order to quash the grant of planning permission. That is the order I would make.

### **Lord Justice McFarlane**

35. I agree.

### **Lord Justice Christopher Clarke**

36. I also agree.

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## CRIME IMPACT STATEMENT

Event Arena at SportCity Way and  
Alan Turing Way  
Leisure (58,354sqm)

Client: OVG Manchester Limited

Version D: 27/02/20

Ref: 2019/0841/CIS/01

Greater Manchester Police

designforsecurity

# Event Arena at SportCity Way and Alan Turing Way

## 2019/0841/CIS/01

### EXECUTIVE SUMMARY

#### Design elements to be considered

This development has been assessed against the principles of 'Crime Prevention Through Environmental Design' (CPTED), in order to reduce the opportunities for crime and the fear of crime.

The layout of the proposed scheme is considered acceptable, as long as the issues discussed in more depth within Section 3.3 of this report are addressed when developing detailed proposals for future development, and these include:-

- Existing routes and connections
- Links to current key development sites
- Access & maintenance
- Landscaping design and features
- Lighting
- Event management
- Car parking

If these issues can be addressed as described within the report and the other physical security measures are incorporated, I would be happy to support the overall strategy for development.

**Please note:** Greater Manchester Police Design for Security will recommend to the local planning authority that a planning condition is added that reflects the physical security specification listed within Section 4 of this report.



**David Maher** *Dip Arch*  
Consultant

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# 1 Visual Audit

The development site is indicated by the red outline on the plan adjacent and is supported with existing site context photographs taken around the site.

This study area is bounded Alan Turing Way (East), Sports City Way (North), Joe Mercer Way (West) and the Ashton Canal (South).

The area contains a mix of uses ranging from private residential (semi-detached streets and apartment blocks) to the east, large retail & food outlets, sports facilities, public realm and associated car parking.

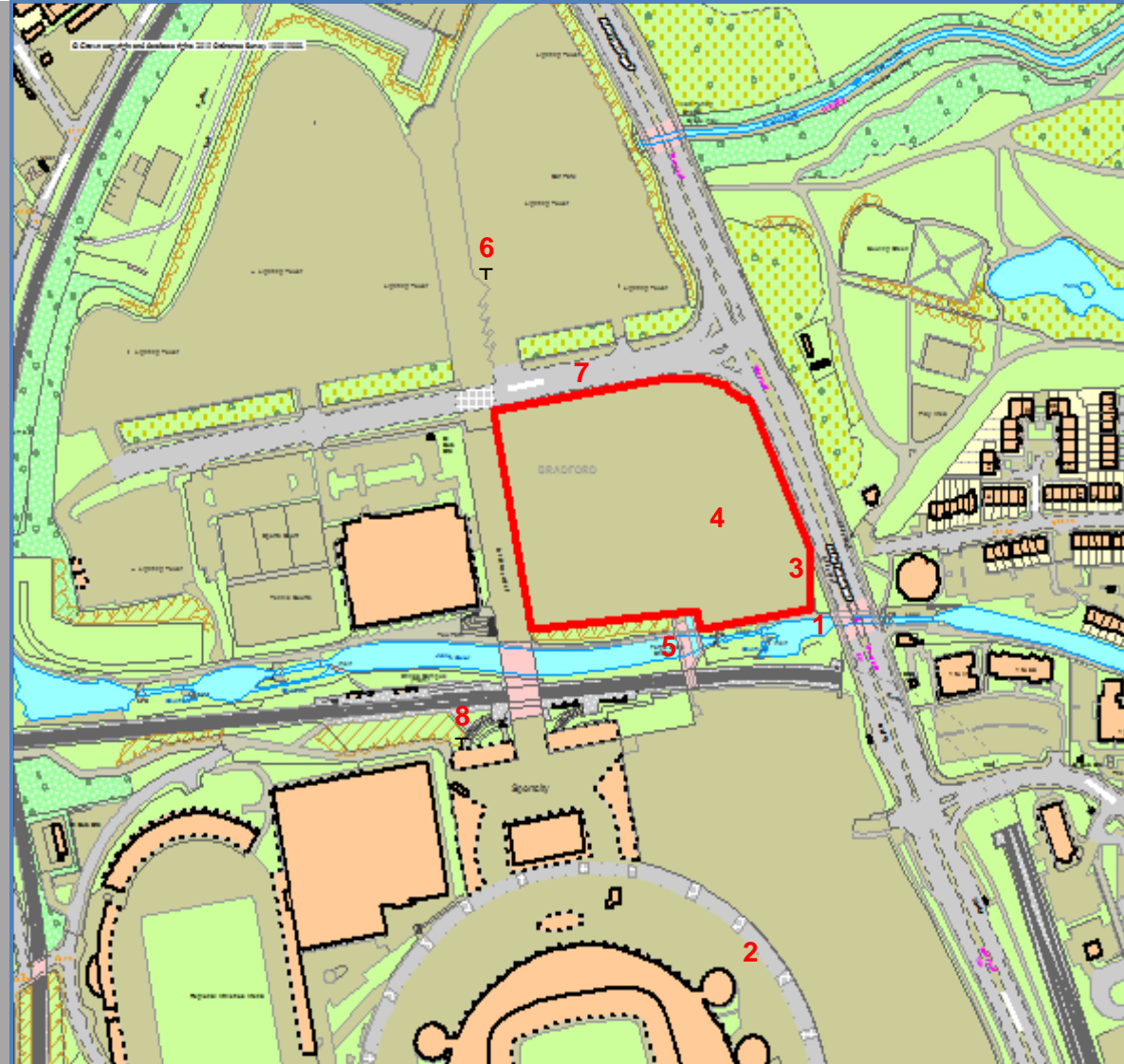
The site is located within the SportsCity campus and is a key destination on the periphery of the city centre. The Etihad stadium is the main dominant building within the area. The surrounding area of SportsCity contains additional sporting attractions such as; an athletics stadium, indoor tennis & the national squash centre.

The proposed site is afforded good public transport links with local bus routes and two tram stops in close vicinity. Vehicle transport routes to the site are provided along Alan Turing Way; with good links to, in and around the city. In addition to the public transport & vehicle routes there are two public walking routes from the city to SportsCity, approx. 1.5miles from Piccadilly train station.

There are notable level changes across the site, rising up from the north to the south along the canal.

The entire perimeter of the proposed site is currently fenced off with 2.4m high weld-mesh fencing. There are two gated vehicle access point from Sports City Way onto the site. The site is used occasionally for over-spill car parking.

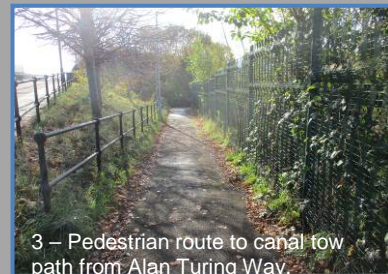
There is a ramped pedestrian access from Alan Turing Way down to the canal tow path. To the north east of the site, across Alan Turing Way is Philips Park.



1 – View of site from Alan Turing Way.



2 – Etihad Stadium from Alan Turing Way



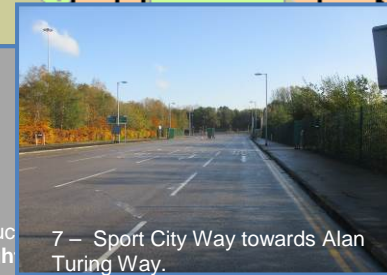
3 – Pedestrian route to canal tow path from Alan Turing Way.



4 - Existing site.



8 – Metrolink stop



7 – Sport City Way towards Alan Turing Way.



6 – Existing car park.



5 – Canal tow path.

# 1.1 Visual Audit



21 – View along Sport City Way towards Alan Turing Way.



20 – Tennis centre.



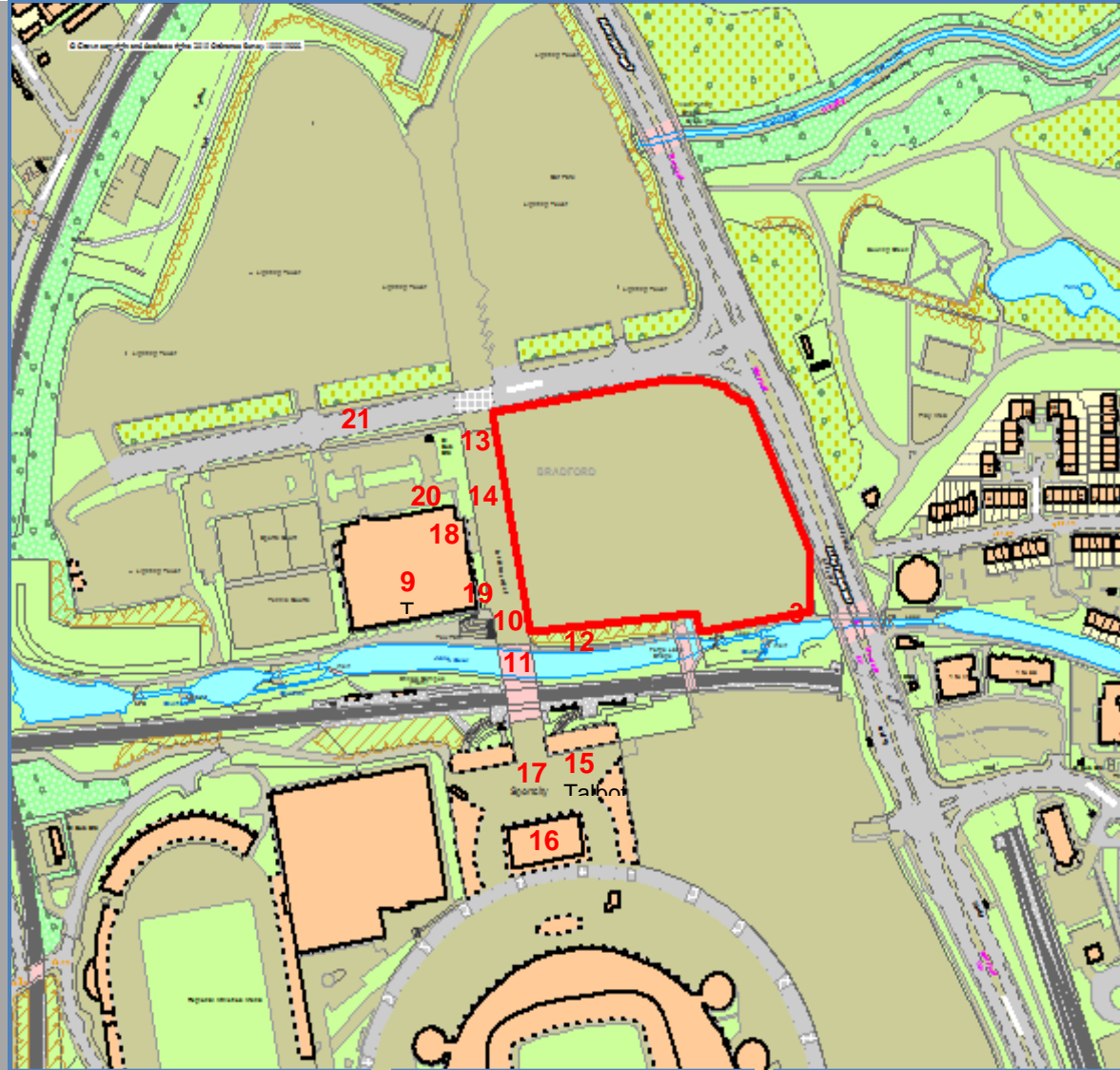
19 – Rear of Tennis centre & canal tow path.



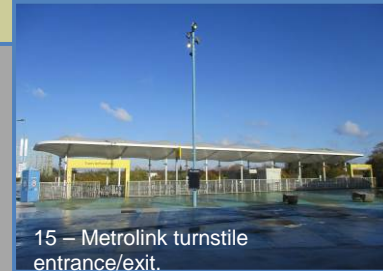
18 – Level change between Tennis centre & Joe Mercer Way.



17 - Street furniture



16 – Man City retail outlet.



15 – Metrolink turnstile entrance/exit.



14 – Joe Mercer Way..



9 – Tennis centre from Joe Mercer Way.



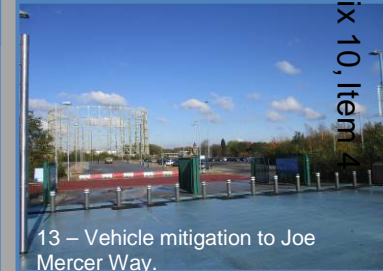
10 – Existing pedestrian access to canal tow path off Joe Mercer Way.



11 – Tow path below Joe Mercer Way.



12 – Access gate into proposed site from canal tow path.



13 – Vehicle mitigation to Joe Mercer Way.

## 2 Crime Statistics & Analysis

All data below is based on crimes recorded between 1<sup>st</sup> July 2018 to 30<sup>th</sup> June 2019.

### 2.1 Crime Summary

Figure 1: Recorded Crime within 500m of Site

Domestic Burglary	Non-Domestic Burglary	Criminal Damage	Less Serious Wounding	Theft	Robbery	Serious Wounding	Theft from Motor Vehicle	Theft of Motor Vehicle	Bicycle Theft
7	11	15	58	17	<5	<5	9	7	5

- 2.1.1 The overall crime rate in the local area is relatively low, with less serious wounding, theft and vehicle crime being the highest recorded offences.
- 2.1.2 The majority of offences are taking place to the east of the proposed site, in which a local housing estate is situated. Less serious woundings mostly consist of assaults and public order offences, with offences taking place at the local sporting stadium and residential estate. Offences have involved road rage incidents, verbal and physical assaults at the sporting stadium during events, as well as verbal and psychical assaults occurring in dwellings and residential streets. Thefts have mostly involved unattended items being removed from tables and chairs in restaurants and stadiums, as well as parcels being removed from communal areas in the apartment buildings situated to the south of the proposed site. Industrial sites have also been targeted, with the removal of fuel from large machinery being the most common theft. Vehicle crime in the local area has mostly involved theft from motor vehicle, which has involved offenders targeting secure unattended vehicles and forcing their way into the vehicle by means of smashing glazing, or forcing doors using implements.

### 2.2 Common Use-Specific M.O.s (Modus Operandi)

- 2.2.1 **Retail:** Burglaries at retail premises are relatively common, with the forcing open of external shutters with instruments or vehicles being a particularly common MO for burglaries at retail premises, most likely because at the times when burglaries take place retail premises have their shutters closed.
- 2.2.2 **Offices:** Burglaries and other thefts are the most common offences at office premises across Manchester after malicious communications, most likely due to the number high value items in offices including computers, cash and other electrical equipment.
- Sports/Leisure:** As well as common burglary MOs such as forcing entry using instruments or exploitation insecure entry points, a particular MO has been used against sports and leisure facilities across Greater Manchester in which outdoor storage units have been forcibly opened using instruments such as bolt cutters or crowbars.

### 2.3 Risk Factors

The typical security risks for a development of this nature are:

- Burglary
- Theft of personal property
- Unauthorised access to buildings and private spaces
- Acts of criminal damage during the construction period
- Criminal damage
- Theft of/from parked cars
- Criminal damage to property and vehicles
- Violence towards staff and other users
- Cycle security



- Controlled access (staff/user only)
- Robbery
- Theft of personal belongings in changing rooms

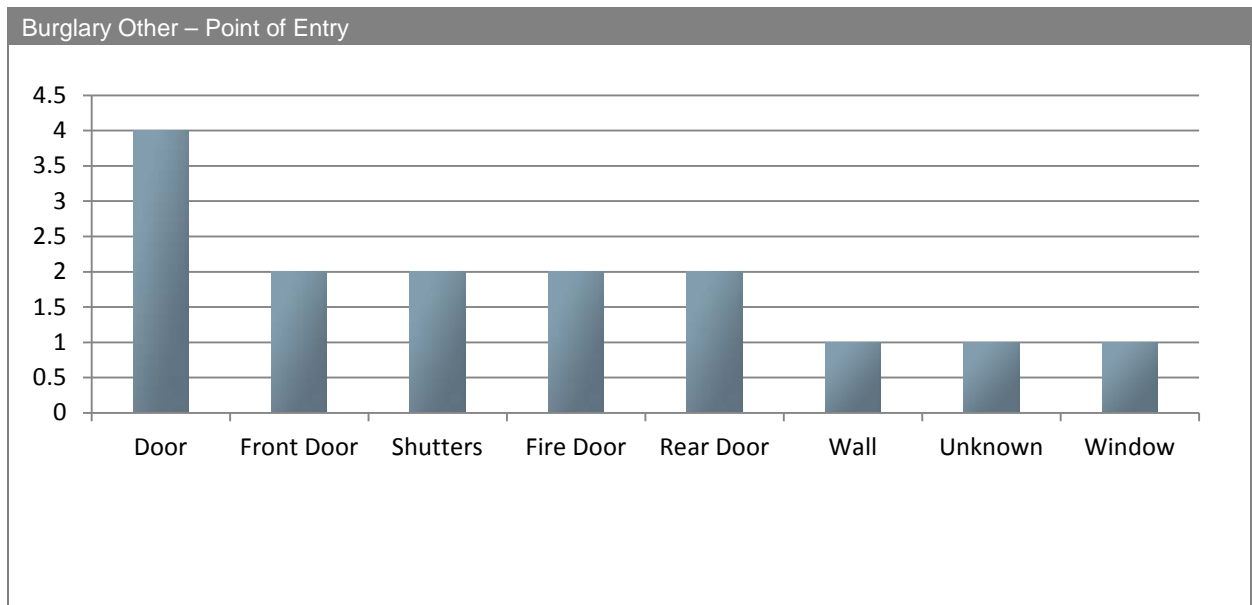
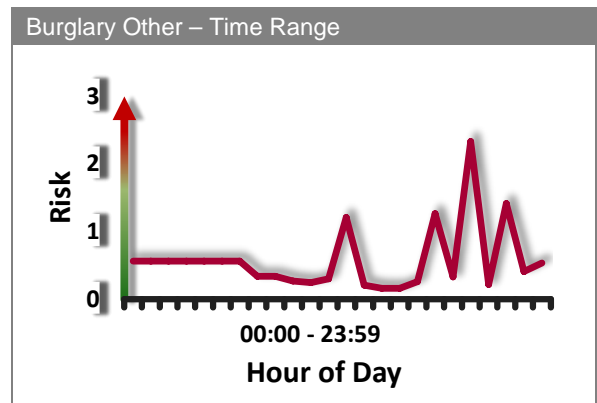
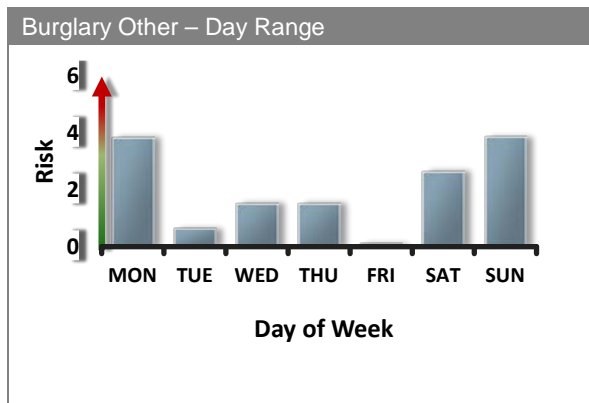
## 2.4 Public Realm Risk Factors

The typical security / disorder risks for a development of this nature are:

- Personal robbery
- Theft of personal belongings
- Criminal damage to property
- Arson
- Violence towards the public and staff at commercial/retail premises
- Unauthorised access to buildings/private spaces
- Rowdy and inconsiderate behaviour
- Antisocial behaviour
- Loitering groups
- Alcohol and drug misuse
- Alcohol related disorder

## 2.5 Non-Domestic Burglary Event Space: Risk Analysis

The data below relates to non-domestic burglary offences within/against event space, recorded in the Greater Manchester area.



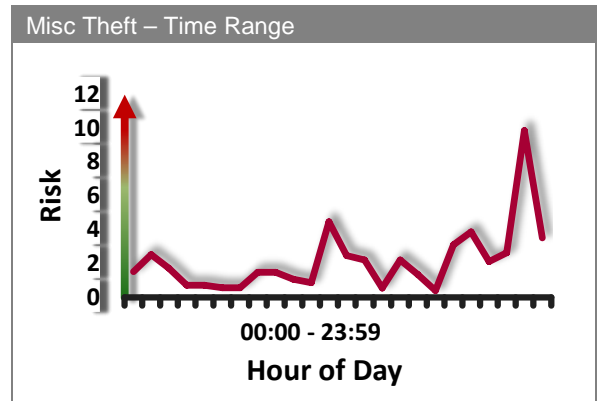
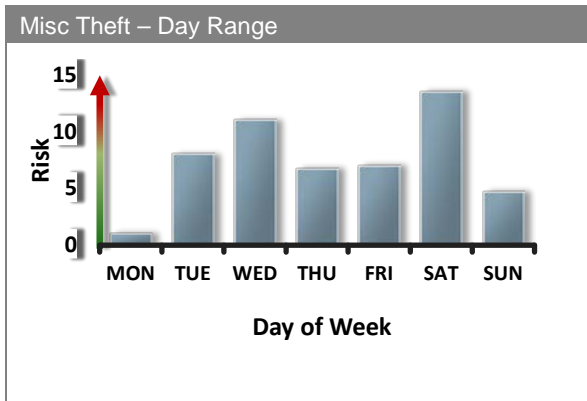
2.5.1 **Day/Time Range:** The risk of burglary at event spaces in the Greater Manchester Area peaks on a Monday and Sunday during the evening (5pm – 10:30pm). Offenders target properties in the evening when they are closed or have fewer employees present, giving offenders the perception that there is less of a risk of being caught or identified.

2.5.2 **Point of Entry:** In the local area the following entry points and MO's have been utilised most frequently:

- Forcing open secure windows and doors using implements and bodily pressure in order to gain entry.
- Exploitation of insecure doors and windows.
- Posing as a legitimate visitor and entering restricted areas.
- Broken glazing in windows and doors using implements.
- Forcing open secure shutters using bodily pressure and implements.

## 2.6 Theft Event Space: Risk Analysis

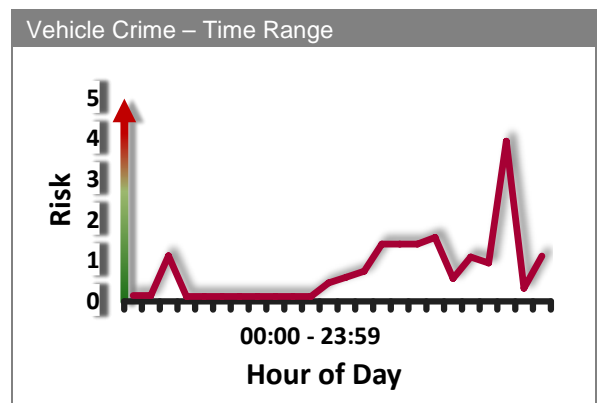
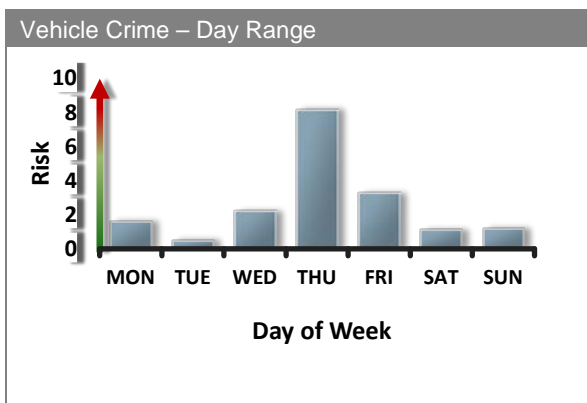
The data below relates to thefts within/against event space, recorded in the Greater Manchester area.



- 2.6.1 **Day/Time Range:** The risk of theft at event spaces in the Greater Manchester area peaks on a Wednesday and Saturday during the late evening (10pm – 11:59pm). Offenders have targeted customers and employees personal belongings, mostly mobile phones and purses/wallets. They have used means of distraction and pick pocketing in order to obtain the victims personal belongings.

## 2.7 Vehicle Crime: Risk Analysis

The data below relates to vehicle crime committed within 500m of the site.



- 2.7.1 **Day/Time Range:** The risk of vehicle crime in the local area peaks on a Thursday during the late evening (9pm – 10:30pm). Offenders often target vehicles parked securely, where they are not overlooked by vehicle owners. This gives offenders the perception that they are less likely to be apprehended. Offenders also target vehicles in the late evening when they are less likely to be seen due to the decrease in natural surveillance.

## 3 Layout Appraisal

### 3.1 Proposed development

- 3.1.1 The proposal seeks to create a new purpose built arena to host multi-use events such as music, sports and corporate events within the Sport City campus in close proximity to the Etihad stadium and adjacent to Alan Turing Way.
- 3.1.2 The proposed arena will provide an opportunity to host events up to 23,500 capacity events. This capacity can only be reached when a centre stage configuration is used for specific events.
- 3.1.3 The development will incorporate food & beverage outlets and VIP amenities opportunities, retail and leisure opportunities and back-of-house support functions, cycle parking and associated works.
- 3.1.4 Extensive upgrading to the immediate public realm and neighbouring car park will also be incorporated into the development proposals. The new public realm will enhance and form part of the existing public realm network.
- 3.1.5 Works to the existing car park north of the development site will form a new vehicle entrance/exit junction onto Alan Turing Way opposite Briscoe Lane.

### 3.2 Positive Aspects of the Proposal

*The following proposed features would make a positive contribution to the prevention of crime and fear of crime.*

- 3.2.1 The proposed building will see the development of long-standing partially used car park.
- 3.2.2 The proposal will enhance the existing leisure and event destination for the area bringing in a new diverse range of people to the area, thus helping to continue to repopulate this part of the city and generate activity throughout the day and night at specific times and dates. Additional activity associated with the site will help support informal policing and natural surveillance.
- 3.2.3 The redevelopment of the site will provide an interesting and diverse use; offering opportunity for employment, interesting and safer public realm and a chance to create an exciting destination.
- 3.2.4 Multiple public transport methods and local taxis are easily accessible at nearby tram stops and bus stops along Alan Turing Way and Ashton New Road.
- 3.2.5 A Travel plan management document will be submitted as part of the planning application.
- 3.2.6 The building has been designed to meet the requirements of crowd flow, security searches via walk through metal detectors and rummage search of bags A4 size or smaller. Visibility and wayfinding will be part of the building design and supported within the planning application pack.
- 3.2.7 Information points and event staff will be positioned at key locations to guide visitors to and from the building at key locations.
- 3.2.8 As part of the management plan 'soft checks will take place outside the building by event staff prior to event goers entering the building. Inspection checks for bags and tickets for events will take place at a number of locations within the building. Thus reducing potentially large numbers of people on the street and into a controlled environment.
- 3.2.9 The client; 'OVG Manchester Limited' are developing their security and screening strategy with a view to operating a No Bag policy. Event goers will be informed of this policy during ticket purchasing. Further information on this policy will be reiterated to event goers ahead of the event. This policy will form part of the overall management policy for the building.
- 3.2.10 A large number of emergency exits have been provided; exiting around the existing building. The high number of exits reflects the large capacity of the venue can cater for.
- 3.2.11 An Operating schedule and Event Management Plan will be submitted in support of the planning application and reviewed by the events team on a regular basis. An Operating Manual will be submitted as part of the Premises Licence application and will explain how the proposed development will operate on a day-to-day basis as well as during events. The plans will form part of the planning submission. An Events management plan will be prepared in advance of each event and will be a key event communication tool for relevant partners.

- 3.2.12 Acoustic measures are being built into the building to minimise noise issue from the venue to local residents.
- 3.2.13 The main circulation routes and entrances are obvious, leading people directly to where they need to go. The proposals are intended to integrate with surrounding circulation routes.
- 3.2.14 The hard & soft landscaping will help to generate a sense of place, pride and safety in the community and create new links to existing neighbourhoods.
- 3.2.15 The proposed development will result in an increase in footfall in the area, improving vitality across the wider area, providing additional natural surveillance, which can help promote a greater sense of safety on the street.
- 3.2.16 The recognised approach to creating a safer public realm for pedestrian and cycle corridors supports an environment in which people want to work and visit.
- 3.2.17 The public realm of the proposal is permeable, allowing pedestrian movement to be concentrated on the pavements. Commercial facilities are also well located helping to promote activity and surveillance across new vistas.
- 3.2.18 The wider Etihad campus contains a number of secure bicycle storage locations which is sufficient to serves visitors and staff for now and in the future. No cycle store stores will be provided within the proposed building.
- 3.2.19 The design of the building has incorporated ground floor amenity uses providing food & beverage outlets for event goers before an event. These uses provide activity to specific locations around the building and offer good opportunities for natural surveillance across the public realm areas. The design of the amenity frontages has incorporated a robust approach to the facing materials and function, ensuring a secure building envelop is maintained out of business hours.
- 3.2.20 The building footprint is free of deep recesses that could provide shelter, impede surveillance or attract antisocial behaviour.
- 3.2.21 A proposal for external light within and around the public realm will be submitted as part of the planning application. The proposals are to incorporate a lighting scheme that will distribute illumination evenly around the space without areas of shadowing or pooling and work coherently with the wider security requirements of the site such as CCTV.
- 3.2.22 Engagement at the early RIBA stages has previously proven to afford those involved in the development the opportunity to 'build-in' protective measures, which often results in more aesthetically pleasing and cost-effective measures. The design team have discussed the design proposals with a GMP Design for Security consultant.

### 3.3 Changes Needed and Recommendations

*The following points have been identified for further consideration and would need to be addressed for Design for Security to support the proposed scheme.*

- 3.3.1 Any planting should avoid creating concealed areas or hiding places, and should not obscure sight lines close to circulation areas. The position of trees should be devised in conjunction with lighting and CCTV proposals in order to avoid blocking effective coverage. Account should be taken of the likely growth characteristics and maintenance regime.
- 3.3.2 No long-term (over the course of an event), event user car parking within 30m of the building, to provide adequate standoff when considering vehicle borne IEDs.
- 3.3.3 Any glazing to proposed elevations along or in close proximity to crowded pedestrian routes should incorporate laminated glass (see section 4.3 for further detail).
- 3.3.4 Consideration for safe bicycle storage should be embedded within the landscape design of the wider campus. Short-stay cycle parking stands should be located where they can be readily observed. The location of cycle stores within area should consider the position, inherent physical security and safety of cyclists using the facility. Cycle stands should be located 30m from the building to provide adequate stand-off when considering IED's.
- 3.3.5 Given the high levels of graffiti within and around the site, it is important that external cladding materials at ground floor are sealed, protected and supports the removal of graffiti. Developments which contain graffiti can be an indication that the buildings management regime in respect of graffiti is a low priority. If graffiti is left on buildings/surfaces it can lead to further acts of graffiti and/or damage towards the

building and creates a lasting impression of a lack of care towards the building and public realm. Overtime neglected buildings / public realm can instil a sense of insecurity towards the area. It is understood from the design team that a measurement above the plinth level on exterior surfaces only, shall have anti-graffiti film applied.

- 3.3.6 Transport routes which dissect the area can form conduits for crime and anti-social behaviour. Movement along them (Canal tow paths and Tram lines), should be audited for the boundary security and suitability and a maintenance programme be implemented to ensure a lasting secure line against the canal towpath.
- 3.3.7 The development of the public realm space will encourage further significant pedestrian footfall in the area. The aspirations of the plans also seek to extend the use of this space beyond event times. It is therefore recommended that planners, developers, and architects concerned with this development consult with Counter Terrorism Security Advisors (CTSA), throughout the planning and implementation of this development with a view to ensure protection from VAW attacks is as comprehensive as realistically possible. This engagement will also afford the opportunity to consider other attack methodologies and potential mitigations against them. The design team have on a number of occasions discussed the proposals with a GMP CTSA consultant and team leader and most if not all public dwell spaces are within protected HVM 'zones'.
- 3.3.8 Security measure carefully incorporated into the environment and building design can ensure that buildings and the environment is reasonably secure, without visibly announcing that the design was concerned about crime. The proposed development provides the opportunity to include security features built into the design and construction of the building and avoid the need for obtrusive retro-fitted security measures that can increase the fear of crime.

## 4 Physical Security

*The following checklist forms the physical security requirements for this scheme to achieve Secured by Design accreditation.*

### 4.1 Doors

- External doors must be compliant with and certified to BS PAS 24, STS202, or LPS 1175 SRB3 (issue 8).
- Garage or sectional overhead doors must be tested and certified to LPS 1175 SR2. If circumstances could prevent this, please consult with Design for Security.
- All internal doors / frames to staff areas / stores / offices should be robust/solid core (minimum 44mm thick) and fitted with auditable access controls. Staff should only be allowed access to areas required for their work. Keys / passes should only be carried if required for duties and should be accounted for at all times.

### 4.2 Windows

- All windows should be compliant with and certified to BS PAS 24 where possible. All other window designs/dimensions should take account of the requirements of the above standard, as certified products can carry dimensional restrictions.
- Any ground floor and easily accessible opening lights (escape requirements permitting) should be key-lockable, and have fixed/lockable opening restrictors (not releasable from the outside) limited to 100mm.
- If any shutters are to be installed, they should be tested and certified to LPS 1175 SR2 (or SR1 if perforated laths are required) and installed in accordance with manufacturer's instructions. Ideally, any shutters should have shutter-boxes and guides built into the fabric of the building – where they would be less vulnerable to attack and less visually intrusive.

### 4.3 Glazing

- Glazing within the vicinity of crowded places should incorporate laminated glazing. Any glazing to a height of 2400mm (or if otherwise accessible) must incorporate 6mm outer pane and at least one pane

of glass with a 1.5mm PVB interlayer (e.g. 7.5mm laminated glass), or a glass rated as P4A under EN 356. The remaining pane in a double glazed unit may be toughened glass. It is recommended that glazing to elevations adjoining public areas or evacuation routes should also be laminated.

- All new glazing up to a height of 2400mm (or if otherwise accessible) should incorporate at least one pane of a glass rated as P4A under EN 356. The remaining pane in a double glazed unit may be toughened glass.
- All glazing other than that with solid backing to the rear, such as glazing to spandrel panels and shadow boxes shall include laminate glass with a minimum 1.52mm thick PVB interlayer for the inner pane. For structural silicone glazing (SSG) systems, the bonding to façade frames shall be to the laminated panes of IGUs. Where the glazing retention is via pressure plates/caps, the bite of the pressure plate/cap shall be minimum 30mm.

## 4.4 Curtain Walling

### Glazed curtain walling

- Secured by Design recognises four distinct types of glazed wall systems. These are:
  - Large glazed units connected by 'spider clamp' system.
  - Glazed units directly retained within a framing system (usually aluminium)
  - Framed windows installed within a separate framing system.
  - Framed windows connected to other framed windows to create a window wall.
- Glazed curtain walling must be installed using a secure glazing retention system. The method of retaining glass must include one or more of the following:
  - Security glazing tape
  - Dedicated security sealant or gasket
  - A secure mechanical fixing system (Evidence will be required to prove the system is secure. This may be achieved by utilising the specific glazing retention test within PAS 24:2012 or by indicative test on the retention system to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1)
- Framed windows (3 and 4 above) used within the construction of a window wall must be certified to one of the following requirements:
  - BS PAS 24:2016
  - STS 204 Issue 3: 2012
- LPS 1175 Issue 7:2010 Security Rating 1

## 4.5 Boundaries

- Fencing / boundary treatments separating the public realm from private space should not include any potential climbing aids. Avoid locating items of street furniture close by that could provide footholds.

## 4.6 Landscaping

- Tree canopies should fall no lower than 2m from the ground. This is in order to allow people to see their surroundings better, make a rational choice of routes and eliminate hiding places. A maintenance agreement should stipulate that these planting dimensions would be adhered to.
- Street furniture should be designed to withstand casual acts of vandalism. When selecting or designing street furniture, consider how easily and quickly items can be repaired or replaced following damage. When commissioning bespoke street furniture and public artworks it is also important to be mindful of

the potential for attack and ease of repair. These features are best positioned where there is plenty of formal and informal surveillance, so any criminal acts are more likely to be witnessed.

- To avoid compromising the security of buildings street furniture must be avoided that will aid climbing over boundary treatments or onto terraces. Security can be compromised if trees or street furniture are placed close to fencing.
- Tree Establishment. Avoid the use of tree stakes by using an underground guying system. Irrigation systems / pipes should include tamper-proof coverings to avoid potential criminal damage / blockage.
- Use of loose surface materials in the publicly accessible areas of the scheme should be avoided. Small fragments of ground covering can be used as missiles against people and premises (both to gain entry and to commit criminal damage).
- Surfaces that could be vulnerable to graffiti should be formed of a resistant material or have a resistant coating applied at the outset in order to facilitate rapid removal, e.g. 'easy-on' (see [www.urbanhygiene.com](http://www.urbanhygiene.com) for details).
- Cycle stands intended for short-stay use should enable cyclists to secure both wheels and the frame and obtained from an SBD-approved supplier.
- Security Bollards
  - Fixed and raising bollards are acceptable should they be successfully tested to PAS 68-1:2013 / IWA-14 and installed to PAS 69/IWA-14A.
  - Bollards providing passive protection should be successfully tested to BS 170-1

#### 4.7 Communal Areas

- Any public open space or amenity areas not under the ownership of the development should be subject to an effective maintenance contract. This should ensure that all damage is rectified in a timely manner, and that any such space will not be detrimental to its surroundings.

#### 4.8 Gates

- Design of Gates. Gates will need to prevent people from clambering (or being tempted to climb) round them. Consideration should be given to inclusion of an emergency release button / device to allow anyone trapped inside to get out and reduce potential for entrapment (this should be beyond reach of people outside the gate and should also include an alert relay to the CCTV control room on activation of the gate at these times).
- Ease of repair. It is likely that gates will be subject to criminal damage to make them difficult to close or lock. The design should be sufficiently robust to withstand this kind of attack, but also should be capable of rapid repair. Use of bespoke components may create delays in obtaining replacements.
  - There should be minimal ground clearance beneath the gate, to reduce the potential for crawling into the secure area.

#### 4.9 Lighting

- External lighting should be provided in accordance with BS 5489. The spread of lighting should be evenly distributed with no areas of shadowing or pooling. Levels should be sufficient to support the CCTV systems in operation in the area. The position of light sources must not create glare or be dazzling at eye level, nor shine directly into the CCTV cameras.
- Fittings should produce 'white' light, as opposed to yellow / orange light. Metal halide (or bulbs with a comparable output) should be used, as these offer superior colour rendition over alternatives such as high and low pressure sodium bulbs.



#### 4.10 Car parking and service areas

- No long-term (over the course of an event), event user car parking within 30m of the building, to provide adequate standoff when considering vehicle borne IEDs
- Lighting to surface car parking should be in accordance with BS 5489, and display an average lux level of 20 with a uniformity level of no less than 25%.
- Lighting to the internal parking areas should display an average lux level of 75-100, with a uniformity level of no less than 50%.
- Bays and directional markings should be clearly demarcated, with pedestrian routes/directions clearly signed.
- Electronic car park exit gates/shutters should be fob-in and fob-out; they should not operate on an induction loop (i.e. not open automatically).
- Pedestrian gates in to car parks should also be fob in and fob out only.

#### 4.11 CCTV

- Any CCTV system that may be used within this proposal will require certain specifications and intelligent placement of cameras to compliment the design of the development. Designers should consider the following points when planning a CCTV strategy:
- CCTV systems (and lighting that support them) require regular cleaning and maintenance to remain effective.
- Where necessary cameras that are vulnerable to damage should be protected from attack either by relocation to a higher level and using a bigger lens to achieve the view required or through the fitting of a vandal resistant housing.
- With regards to the retention of footage, the police prefer quality over quantity. The overall retention period should be dictated by what the system is designed to achieve, though it would be better to have good quality images over a 14-day period than poor ones over a 30-day period.
- Procedures for recovery of recordings are recommended to be established (e.g. trained staff / the CCTV system instruction manual to be readily available). This is to ensure that the images produced will be of an acceptable standard that will allow for identification of an individual which will stand up to scrutiny in court.
- Acceptable Standard** - this generally requires a resolution of 720x576 pixels at a real time frame rate of 25 frames per second. (N.B. Both the camera and DVR must be capable of this – if the camera will only send low resolution images then it does not matter how high the resolution of the recording unit is).
- Identification** – One of three levels of field of view. To identify an individual, the image must capture no less than 120% of the field of view (at least from the top of the individuals head to their knees). The remaining two levels of field of view are 'Overview' and 'Recognition', which whilst effective for observational purposes, are less likely to result in the identification of a person/offender.
- The intelligent placement of cameras helps to provide clear facial identification of individuals. Suitable locations would be: [Main circulation routes / elevations and entrances to new pavilions / sheltered area between the two buildings / main gathering spaces.](#)

#### 4.12 Other

- There must be no features of the building envelope which create sheltered/hiding places or ledges, which could endanger passers-by or encourage loitering.
- Any rainwater pipes should be square in profile and fixed back to the building fabric to prevent climbing to upper floor windows.

- Any bin stores should be secure, lockable, and fire resistant enclosures. A strategy should be defined to ensure waste collection can take place whilst retaining a secure development.

## 5 Management & Maintenance

- 5.1.1 The upkeep of a development over its lifetime can be crucial to the level of security and safety within. Aspects of a development, which are left to deteriorate, have the potential to attract further crime – a process known as ‘the broken window theory’. A maintenance plan should be drawn up to address issues such as:
- Litter removal
  - Repair to communal areas (lighting, signage, access controls)
  - Trimming and pruning to shrubs and trees
  - Any public open space or amenity areas not under the ownership of residents should be subject to an effective maintenance contract. This should ensure that all damage is rectified in a timely manner, and that any such space will not be detrimental to its surrounding.

## 6 Construction

- 6.1.1 Untidy sites and their surroundings can be littered with debris accessible to vandals who often use loose materials as missiles to commit crime. The client should take measures appropriate to secure their site during construction, and control pedestrian and vehicular access in to and out of the site curtilage. It is also recommended that the contractor on this scheme is a member of the ‘Considerate Constructors Scheme’, who has committed to be a considerate and good neighbour, as well as clean, respectful, safe, environmentally conscious, responsible and accountable.
- 6.1.2 Site security contractors should be SIA (Security Industry Authority) approved to ensure professional standards are adhered to (please see <http://www.sia.homeoffice.gov.uk/pages/acs-intro.aspx> for more details).

## 7 Useful References

### 7.1 Secured by Design (SBD)

- 7.1.1 Secured by Design focuses on crime prevention at the design, layout and construction stages of homes and commercial premises and promotes the use of security standards for a wide range of applications and products. To apply for Secured by Design certification for your development, visit our online application form at: <http://www.designforsecurity.org/secured-by-design/sbd-accreditation/>

## A Contact register

Date	Contact With	Summary of Contact
08/08/19	Deloitte	Project Bradford initial meeting with CTSA & DfS
07/11/19	Client	Project Bradford GMP presentation with CTSA & DfS
13/11/19	Deloitte	Project Bradford GMP presentation
30/10/19	DfS & CTSA	Site visit
01/10/19	DfS	CIS application
04/10/19	DfS	CIS instruction confirmed
09/10/19	DfS	Invoice issued
21/11/19	DfS	CIS Draft issued to CTSA for comment
22/11/19	DfS	CIS completed & issued
07/01/20	DfS	CIS completed & issued
16/01/20	DfS	CIS completed & issued
05/02/20	Deloitte / DfS	Comments received CIS completed & issued

## B Associated Documents

This report is based on the following drawings and supplementary information submitted by the applicant.

Drawing No.	Drawing Title	Date	Rev
BRA-POP-XX-ZZ-DR-A-0300	GA Elevations North, East	19/07/19	P02
BRA-POP-XX-ZZ-DR-A-0301	GA Elevations West, South	19/07/19	P02
BRA-POP-ZZ-B0-DR-A-0100	Level B1 – All Zones	16/10/19	P01
BRA-POP-ZZ-GF-DR-A-0101	Level GF – All Zones	19/07/19	P01
BRA-POP-ZZ-01-DR-A-0103	Level 01 – All Zones	19/07/19	P01
BRA-POP-ZZ-02-DR-A-0104	Level 02 – All Zones	19/07/19	P01
BRA-POP-ZZ-03-DR-A-0105	Level 03 – All Zones	19/07/19	P01
BRA-POP-ZZ-04-DR-A-0107	Level 04 – All Zones	19/07/19	P01
BRA-POP-ZZ-05-DR-A-0109	Level 05 – All Zones	19/07/19	P01

PLEASE NOTE - In the event of any subsequent material changes to the scheme, it will be necessary for Design for Security to reassess the comments made within this report.

## C CIS Version History

Version	Revisions Made	Date
A		
B	Version B issued	16/01/20
C	Version C issued	05/02/20
D	Version C issued	27/02/20

## D Glossary

### Burglary Resistance Standards

#### BS PAS 23-1, 1999

General performance requirements for door/window assemblies.

*A performance standard for door sets and windows, which certifies that a particular door set is fit for purpose. Door products must also have BS PAS 24 certification.*

#### BS PAS 24-1, 2012

General security performance requirements for door/window assemblies.

*An attack test standard for door sets and windows. This is the minimum police requirement for Secured by Design dwellings, and is also applicable to French/double doors, and sliding doors.*

#### ENV 1627-30 (Security Ratings WK1 to WK6)

Windows, doors, shutters - Burglar resistance Requirements and classification

*The classification system used in ENV 1627-30 is aimed at the commercial market and is based on five elements:*

- a) Resistance of glazing
- b) Performance of hardware
- c) Resistance to static loading
- d) Resistance to dynamic loading
- e) Burglary resistance by manual intervention

#### LPS 1175 (Security Ratings 1 to 6)

Specification for testing and classifying the burglary resistance of building components

*This includes doors, shutters, garage doors and grilles typically for commercial premises and higher risk domestic premises and is acceptable to the ABI and the Police. The standard has 6 levels, 6 being the highest, with levels 1 and 2 equivalent in many respects to BS PAS 24 and BS 7950.*

#### STS201 Issue 4: 2012

Enhanced security requirements for door-sets and door assemblies for dwellings to satisfy the requirements of PAS23 and PAS24

#### STS202 Issue 3: 2011

Requirements for burglary resistance of construction products including hinged, pivoted, folding or sliding door-sets, windows, curtain walling, security grilles, garage doors and shutters.

This specifies a broadly similar range of attack tools and times to those specified at the lower levels of LPS1175.

#### EN 356, 2000 (Ratings P1A to P8A)

Glass in building. Security glazing. Testing and classification of resistance against manual attack.

*A performance standard for manual attacks on glazing. P2A is comparable to the performance of a*

*6.8mm laminated glass, and P4A to that of a 9.5mm laminated glass.*

### Commonly Used Acronyms

#### CIT

*Cash in transit (refers to vehicles, personnel and routines).*

#### CPTED

*Crime Prevention Through Environmental Design*

#### CRS

*Crime Reduction Specialist. Sometimes known as CPO (Crime Prevention Officer)*

#### INPT

*Integrated Neighbourhood Policing Team.*

#### PVB/PolyVinyl Butyral (Glazing interlayer)

*A commonly used interlayer used in the production of laminated glass.*

#### LPCB (Loss Prevention Certification Board)

*A brand of the BRE Global (Building Research Establishment) family. The LPCB work with insurers, Government, police, designers, manufacturers, contractors and end users to develop methods of assessing performance and reliability of security products to ensure their fitness for purpose.*

#### UKAS (United Kingdom Accreditation Service)

**The sole national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, inspections and calibration services.**

### Useful Websites

#### Design for Security

[www.designforsecurity.org](http://www.designforsecurity.org)

#### Secured by Design

[www.securedbydesign.com](http://www.securedbydesign.com)

#### RIBA Product Selector

[www.ribaproductselector.com](http://www.ribaproductselector.com)

#### LPCB – Red Book Live

[www.redbooklive.com](http://www.redbooklive.com)

#### Crime Reduction (Home Office)

[www.crimereduction.homeoffice.gov.uk](http://www.crimereduction.homeoffice.gov.uk)

#### DAC (Design Against Crime) Solution Centre

[www.designagainstcrime.org](http://www.designagainstcrime.org)

#### Building for Life

[www.buildingforlife.org](http://www.buildingforlife.org)

#### CLG (Communities and Local Government)

[www.communities.gov.uk](http://www.communities.gov.uk)