



Response to Chichester District Council Overview and Scrutiny Committee

Friends of Priory Park

Introduction

The Friends of Priory Park support Chichester District Council in its aims to boost the local economy and encourage visitors to the city. The installation of an ice rink as a focal point for a Christmas Market was, and remains, an initiative to be encouraged. However, the Friends have been resolute in counselling that Priory Park was an inappropriate location. Their resolve has been strengthened by events between the end of November 2018 and the beginning of January 2019.

Summary of matters brought to the attention of the Overview and Scrutiny Committee

Relevant information was not available to Councillors, compromising their ability to make an informed judgement. Councillors were:

- a) not presented with cost/benefit assessments of potential sites to accommodate an ice rink within the City;
- b) not told that the terms of the lease for the use of Priory Park differed from that offered to other occupants, to the advantage of the promoter of the ice rink;
- c) not informed of the criteria that would be used to evaluate the benefit of the ice rink to the economy and visitor number to the City;
- d) not advised that a planning application within a designated area would require compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Background

It was disappointing that, in its initiative for an ice rink, the Council failed in its ambition 'To take people along with us on the journey' (*Chichester Vision* p. 42). Invitations to tender to provide an ice rink were sent out in July 2018, and applications received in August 2018. It is noteworthy that the efficient 'traffic-light' system, whereby CDC notifies a sub-committee of the Friends about events proposed for Priory Park and invites comments, was not used in this case.

The first notification to contiguous residents for a 'Temporary change of use to Christmas ice rink with ancillary food and drink uses, including the installation and removal of ancillary temporary structures' was posted adjacent to the Park on 4th October, received by residents of homes

proximate to the Park on 5th October (*letter dated 3rd*) and a public notice published in the *Chichester Observer* on 11th October. Each gave a deadline of 25th October for representations.

At a meeting of the Planning Committee, held on 17th October, it was reported that the application was being considered even though the consultation period was not due to end until 1 November (*sic*) '*and it was felt important for the Committee to debate the proposal and decide whether to delegate the determination of the application to the officers following the expiry of the publication period as otherwise it would be too late to hold the Christmas ice rink event this year.*'

The minutes record that the Committee was '*provided information about the reasons why officers felt that Priory Park was an appropriate location for the proposal in respect of there being economic benefits*'. These reasons appear no more than a hope that closeness to the city centre, '*would encourage foot fall visitors to the ice rink to visit the shopping area nearby.*'

A. Cost/benefit assessments of potential sites to accommodate an ice rink within the City.

The decision to use Priory Park as a venue for the ice rink was taken by CDC Officers who appear not to have presented an evaluation of options to elected Councillors. It was a *fait accompli*, undertaken hastily and without consideration of, for example, the possibility of '*re-allocating the use of public car parking land*' as referenced in *Chichester Vision* p. 22.

At a meeting with residents held on 27th November the applicant confirmed that the tender document issued by the Council stated that Priory Park was the only site available and had proposed three potential locations within the Park.

The Committee might wish to call for the original tender documents and satisfy itself that an appropriate cost/benefit analysis had been taken by officers to support the choice of Priory Park.

CDC Response:

Officers reviewed available sites within the city centre before Priory Park was identified as the preferred site. Both Oaklands Park and New Park Road open space were considered but were not available due to winter sports pitch provision on these sites. The Chichester Cathedral had already confirmed that their site was not available due to the building works being undertaken and the restriction on use of consecrated land. Demand on city centre car parking in the lead up to Christmas is at a premium and managing the requirements of permit holders and pay and display parking already results in complaints from customers unable to park locally. The Northgate car park is busy in the evenings also due to Chichester Festival Theatre performances and in addition, parking is allocated for the market vehicles in the Cattle Market car park on Wednesdays and for the market and

car boot sale on Saturdays and Sundays. It was felt that we would not be able to meet customer need for parking in the city centre if we were to remove a large number of parking spaces for this length of time required to facilitate the ice skating rink over the busy Christmas period.

Initial contact was made with the Chairman of Friends of Priory Park, prior to the ice skating planning application going live where in principle support was given for a rink but further information was requested regarding scale, duration etc. These details then became available as part of the consultation process for the planning application and then objections were received from the Friends.

B. Terms of the lease for the use of Priory Park differed from that offered to other occupants, to the advantage of the promoter of the ice rink.

It may be relevant to note that the Real Ale and Jazz Festival, a non-profit organisation, was charged £5,000 for ten days and lost its deposit for remedial work in the park.

Prior to the installation of the ice rink the financial parameters, the deposit paid by the promoter, the terms of repayment of the deposit subject to the reinstatement of the ground and, above all, the cost of the lease to the promoter, were deemed to be commercially confidential. It is only post the ice rink that, in answer to questions raised to the Council, the figure of £1 for the lease has been made public.

The Committee might wish to satisfy itself that all events proposed for location in Priory Park to encourage activities and enhance visitor numbers to the city were given the same treatment as provided to the promoters of the ice rink, namely a notional lease of £1.

CDC Response:

CDC undertook an open market tender exercise inviting interested companies to submit proposals (including licence terms) to operate an ice rink in Priory Park. Only one response was received and CDC entered in to discussions with that company to further understand the basis of their bid. As this was the first event of its kind within the district there was inevitably a level of financial risk with delivering the event. The council negotiated the charge for use of land for the year one trial in return for the contractor being responsible for the financial risk of the event. Negotiating a licence fee for use of land is permitted and has been used elsewhere for trial or first time uses/activities.

In terms of deposits, these are not returned until satisfactory reinstatement of the land. If the hirer completes satisfactory reinstatement then deposits are returned otherwise the council will retain funds from the deposit to complete the reinstatement works. The satisfactory reinstatement of Priory Park was covered as a condition of planning and this condition has not yet been discharged. A site inspection will take place in March to identify if any further reinstatement works are required.

C. Information of the criteria that would be used to evaluate the benefit of the ice rink to the economy and visitor number to the City.

Press coverage from the promoter of the ice rink reports the event to have been a 'success'; a judgement that may be shared by officials from CDC in the absence of pre-existing criteria against which to evaluate the outcome.

Published reports on the benefit of the ice rink to Chichester range from an attendance of 19,000 to 21,000.

Close monitoring of information provided on their website by the promoters of the ice rink, CHiCE, suggests a much lower attendance: 10,910 tickets were sold in advance from the 66,600 available (16.4%).

It is recognised that the information on the website does not include tickets sold 'on the door'. An adjustment to include an error factor of 20 per cent gives c.13,000 skaters. To reach the lower claimed figure of 19,000 would imply an 'error factor' of 75 per cent. This is, to say the least, unrealistic. Furthermore, anecdotal evidence from the food and drink concessions at the ice rink, together with casual observation of the numbers actually skating, make a nonsense of the figure(s) claimed.

That participation in the ice rink was lower than claimed is supported by the Weekly Footfall Report from Chichester Bid. The following table picks out the footfall in North Street and Northgate. It would be difficult to conclude anything other than the ice rink had little influence on the footfall of Chichester.

Date	Week	Previous Week	Current Week	Percent Change	Chichester Week % Change	Chichester Year-on-Year % Change
North Street and Northgate						
03-09 Dec	49	170,000	171,800	+1.1%	0%	-11%%
10-16 Dec	50	171,800	160,800	-6.4%	+3%	-8%
17-24 Dec	51	160,800	167,700	+4.3%	+11%	-7%
24-30 Dec	52	167,700	133,600	-20.0%	-31%	-1%

The Committee may wish to ask for the evidence that the Council has prepared to satisfy itself that the installation of the ice rink provided a positive stimulus to the economic activity of Chichester.

The Committee may also consider it appropriate to seek from the Chief Executive of CDC an estimate of the amount of officer time that has been taken up by answering the concerns of those immediately affected by the installation, the proximate residents of Priory Park.

CDC Response:

As stated in the main body of the committee report, S3K Limited reported based on actual sales that 19,072 skaters took to the ice in addition to a large number of spectators who entered the events area.

Chichester BID have reported a general increase in visitors to the City in December 2018 although the shopper camera count in East Street went down by 7.3%. There were 1,999,820 visits to the area in December 2017 and counters recorded 2,067,300 in December 2018. That's an increase of 67,480 visits overall, some of which will have been people attending the ice rink, as well as the general entertainment/events within the city. Retailers have reported on a decent sales period over the Christmas period but no reliable conversion data is available.

Car parking tickets sold including payment by phone and app increased by just under 5,000 users for the car parks within the city during December 2018 when compared to the previous December. The recent pattern has been for the use of car parks to fall over recent months when compared to the previous year. Christmas Park and Ride use also increased slightly during December 2018 when compared to the previous year's figures. The actual management of the process for the delivery of the ice skating event did not involve large amounts of officer time however dealing with Freedom of Information Requests and complaints from a small number of members of public did take up a disproportionate amount of officer time.

D. Without a 'Design and Access Statement' the application within a designated conservation area was in contravention of current legislation.

Planning decisions in England are framed within the Town and Country Planning Acts. Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, effective from 15th April 2015, the Council is required to produce a Design and Access Statement where 'any part of the development is in a designated area' or 'where the floor space created by the development is 100 square metres or more'. (2015, No. 595, Part 3 Article 9 para 9(b) Priory Park is part of the Chichester Conservation Area) and the space created, 2,000 square metres.

Paragraph 3(b) of the above regulations sets out that a design and access statement must, amongst others, 'demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account'.

The Committee might wish to ask why its attention had not been drawn to the requirements of planning legislation, as relates both to a conservation area and the size of the development, and what case law, conventional practice or legal advice informed the decision to locate the ice rink in Priory Park, without the production of a required Design and Access Statement.

CDC Response:

Where design and access statements are required it incumbent on an applicant to provide such material with the submission of their application, it is not a requirement of the Council to produce that statement.

Article 9 of Part 3 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 has been mis-quoted in the above statement by the Friends of Priory Park. The requirement for a design and access statement to be submitted with an application is set out in paragraph 1 to article 9 and relates an application for planning permission where;

any part of the development is in a designated area, development consisting of—

- (i) the provision of one or more dwellinghouses; or***
- (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.***

Paragraph 4 to article 9 further qualifies this requirement in that it does not relate to applications for a material change in use of the land or buildings (point (d) refers). Therefore, in accordance with Part 3, Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, there was therefore no requirement for the applicant to provide a design and access statement in this instance.

Priory Park was an inappropriate location for the ice rink; a judgement it would appear to be shared by its promoters who resorted to placing unapproved signs in central Chichester directing the public to its location.