

15 August 2023

By email only
Cllr John Ennis

Your contact is: Michael Graham, Assistant Director for Legal and Democratic Services

Dear Councillor Ennis,

Restrictions on the use of the Select Car Leasing Stadium (“the Stadium”)

Thank you for your query regarding controls which are in place on the use of the Stadium. In general terms, there are restrictions based on two general areas of public law; planning and property. I will outline each of them in turn.

Planning law restrictions

The lawful use (in planning terms) of the Stadium site is as a “25,000 seat multi-purpose sports stadium”, stemming from the grant of planning permission by the Council in 1995. This allows the use of the Stadium within the scope of that description. So, the Stadium could be used by a different club, or for a different sport, for example, but would still need to be used as a sports stadium.

To redevelop the Stadium or to use it for a materially different purpose would require a new application for planning permission. The public would be made aware of any such application by local advertisement, in the usual way. The application would usually be decided by the Council as local planning authority, in line with the Council’s policies, and after consideration at the Planning Applications Committee.

The Secretary of State also has the power to “call-in” planning applications for his determination. This power is typically used where the Secretary of State considers that “planning issues of more than local importance are involved”, which might apply to the redevelopment of a major regional stadium. If that happens, a Planning Inspector would consider the issue at a public hearing or inquiry, in which the Council would participate. The Inspector would then make a recommendation to grant or refuse the application, with the ultimate decision being taken by the Secretary of State.

Property law restrictions

When the Council transferred the land on which the Stadium is now located to the site developers, the Council imposed restrictions (known as “restrictive covenants”) on that land in order to control its future use.

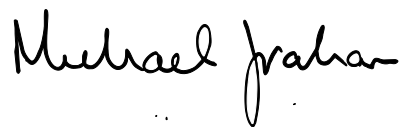
The main restriction ties in with the planning permission described above, and is to not use the Stadium land for any purpose other than as a:

“Sports Stadium park and ride facilities sports pitches community sports facilities associated changing rooms landscaping and car parking and in accordance with planning permissions 97/1036 and 05/00313/FUL as a hotel and associated parking and facilities and for residential (including private market residential affordable residential and serviced apartments) convention centre and hotel retail food and beverage offices with a multi-storey car park...”

The Council, as the party with the benefit of that restrictive covenant, would be able to take action in the courts should the restriction be breached. The landowner could apply to the Lands Tribunal to have the restriction removed, but the Council would resist any such application.

I hope this addresses your query. Please let me know if you require any further assistance.

Yours sincerely

A handwritten signature in black ink that reads "Michael Graham". The signature is written in a cursive style with a long, sweeping tail on the letter 'h'.

ASSISTANT DIRECTOR OF LEGAL & DEMOCRATIC SERVICES