

<b>APPLICATION NO: 23/01324/CONDIT</b>	<b>OFFICER: Mrs Victoria Harris</b>
<b>DATE REGISTERED: 2nd August 2023</b>	<b>DATE OF EXPIRY : 1st November 2023</b>
<b>WARD: Lansdown</b>	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>LOCATION:</b>	Imperial Garden Promenade Cheltenham
<b>PROPOSAL:</b>	Variation of condition 5 of planning permission 22/01200/FUL, to allow the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025

## REPRESENTATIONS

Number of contributors	<b>14</b>
Number of objections	<b>14</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

1 Claremont Lodge  
Montpellier Spa Road  
Cheltenham  
Gloucestershire  
GL50 1UG

**Comments:** 30th August 2023

Dear Sir/Madam

We are writing to you via e-mail as we are unable to access the on-line portal and wish to express our objections to the current application (reference 23/01324/CONDIT) relating to variation of condition 5 of planning permission 22/01200/FUL, to allow the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025 in Imperial Gardens Cheltenham.

We understand that Condition 5 stated that generators should only be used in 2022/23 and thereafter, in the interest of sustainable development and the reduction of carbon emissions, permanent electrical supplies would be installed to supply the necessary power for ice rinks etc. in Imperial Gardens.

We strongly object to this backtracking by Cheltenham Borough Council, not least at a time when we are being constantly urged to be more environmentally friendly.

Please acknowledge receipt of our objection.

Yours faithfully

32 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 23rd August 2023

I object to the application for a variation of Condition 5 of planning permission to use biofuel generators and batteries for the ice skating rink in Imperial Gardens in 2023/2024. The pollution and noise this will cause to residents in the area is offensive and inconsiderate.

40B The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 21st August 2023

Removing Condition 5 and substituting other means of power ignores the fundamental Loss of Amenity. Allowing the Ice Rink doubles the number of days approved and agreed by Cheltenham Borough Council for events in Imperial Gardens and will result in the loss of amenity to Cheltenham Citizens and Visitors to the town for almost half of the year.

This is a fundamental change to an existing Planning Consent and should not be allowed.

Cheltenham is well known as a 'floral' town and Imperial Gardens provide a green and floral space in the centre of town which contributes to a sense of well-being and peace which is becoming more and more important to people's mental health in these times. Cheltenham Borough Council prides itself on its green outlook. This proposed invasion and disturbance is a contradiction of this.

There is also prolonged loss of amenity during the time the Gardens take to recover.

Providing power for the Ice Rink in whatever form is not acceptable.

The proposal in this application will result in Noise and this should not be allowed in view of the surrounding residential properties.

I also object to the proposal to provide sufficient electricity to Imperial Gardens. It appears that there are plans for a new substation or equivalent to be installed to increase the power supply to Imperial Gardens.

The public should be informed as to exactly what is being considered and I would like to register my objection to this proposal. A substation carries health risks and it should be made clear as to exactly where this would be sited. This proposal should be publicised in detail before any decision is made.

It is totally unnecessary to provide more electricity to Imperial Gardens as our Country has an energy crisis therefore how can Cheltenham Borough Council contemplate providing and using extra energy when we understand that Cheltenham Borough Council has a Green Policy. This is a contradiction.

It there is no Ice Rink, then no extra energy will be needed and the Council can be proud of its green credentials.

38C The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 21st August 2023

Notwithstanding the facts and comments from fellow neighbours regarding the Pollution, Noise and disruption caused by the Ice Rink of 2021 and the assurance that any further use of Imperial Square in this manner would be accompanied by the installation of a suitable power supply , with which we totally concur . There are currently a number of serious concerns within the Energy Industry with regard to the accuracy of feedstock traceability in the production of both first and second generation Biofuels. Much of what is read about the benefits of these products comes from promotion material from producers many of which have made significant investments . The cost of using these products in the current financial climate must also be addressed this item alone would increase any operating cost by over £70,000 compared to 2021. How would these costs be covered ??? By local taxpayers ???

36D The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 19th August 2023

22/01200/FUL Condition 5 clearly states that generators should only be used in 2022/23 in the interest of sustainable development and the reduction of carbon emissions.

This condition is the result of the planning committee deciding in 2022 that the benefits of the Ice Rink did not outweigh the harm. This being the environmental harm of using generators, both in terms of Green House Gas contribution and Local Air Pollution. It determined that the installation of Permanent Power Supplies were required before further Ice Rink events could take place after 2022/23. This has not happened and although the use of Stage V Generators and HVO will theoretically reduce GHG contribution it will not reduce Local Air Pollution to an acceptable level, only Permanent Power Supplies will do this.

This application attempts to portray HVO as the solution to all our Global Warming problems, which is as inaccurate as it is manipulative and ignores the issue of tail pipe emissions. HVO's CO<sub>2</sub>, Nox and particulate tailpipe emissions are still significant,

especially given the quantities of fuel this event will consume. Local Air Quality is a major issue that cannot be overlooked.

Using selective bits of commercial advertising and trade association articles is inappropriate and should be seen for what it is. Greenwashing.

This proposal does not address one of the key issues of the Ice Rink. Namely the huge power demand of running a temporary ice rink in a temperate climate. The power demand over 46 days plus 2 days for the initial freeze will be greater than the power demand in 2021/22 which only ran for 42 days, consuming 34,540 litres. The fuel that will be consumed under this proposal, contrary to its claims, will not be significantly less. The attempt to diminish these facts by lauding the attributes of Stage V generators running on HVO is technically flawed and misleading.

Suggesting that using Battery Packs will save fuel is incorrect, as every Watt of power consumed will be produced by the generators. The scheme proposed, to use Battery Packs, has its roots in the hybrid set ups of modern outdoor festivals, with extensive use of portable wind turbines and solar panels to charge Battery Packs and use generators to back them up. The problem is that most festivals are in the summer, in open fields, so renewable power is available and there is space to deploy them. This is not the case with the Ice Rink. December has the shortest daylight hours of the year so deploying renewable sources, even if there were room, would be ineffective and visually polluting. The proposed scheme is a pseudo hybrid system with no merit, that will fail to deliver any fuel saving, but it will incur extra cost.

The statement that the battery packs will 'collect all surplus energy generated throughout the day ensuring no waste' is nonsense, there is no surplus energy. The generators may have surplus capacity but will only deliver the power demanded so the power needed to recharge the battery packs will be in addition to that required to run the chillers/pumps during the day, and the generators will need to be sized appropriately. A simple scan of the data sheet included in the application shows that fuel consumption is effectively linear to load, therefore, if you increase the load by recharging battery packs, you increase fuel consumption. Stating that "The batteries will also cut down on generator run time thereby reducing fuel consumption, emissions and noise." assumes the battery packs are receiving power from elsewhere, which they are not. Charging and discharging batteries wastes power due to conversion losses.

Ironically, due to Global Warming we are unlikely to have a cold December which will put even more strain on the proposed energy scheme, consuming more fuel and reducing the likelihood that Battery Packs will provide enough capacity to run chillers and pumps overnight thus reducing any noise mitigation. In fact, it will be more disturbing have generators kicking in during the early hours than to have them run continuously.

The other major issue with the ice rink is the harm caused to the setting. This will only be made worse by this proposal. The application does not include a Site Plan even though the considerable increase in equipment will significantly increase the footprint. This is a key element when considering the impact of this proposal as the visual pollution and the resulting harm to the setting will be significant. Without this information the Planning Committee cannot make a meaningful assessment of the harm to the setting and therefore cannot make an informed decision to allow this variation to Condition 5.

As each of the three battery packs weighs 2 tonnes this will more than double the ancillary equipment load on the gardens causing a substantial increase in soil compaction. The damage caused by the Ice Rink in 2021/22 is still evident and this event will add to the decline of Imperial Gardens.

This application has identified a new concern.

Under 'Further Noise Mitigation' the final bullet point referencing the code of practise states:

- Based on code of practice noise generated by the event with amplified music and skaters will be targeted at between 60-70dB(A). During full skating sessions noise may peak at 75dB(A). This type of event should not exceed background noise by more than 15dB(A) over a 15 minute period. For example, if the noise level with skaters present and no music is 50dB(A) then once music is activated this should not exceed 65dB(A).

If this is supposed to reassure then it has failed, as it is incorrect. A Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events is readily available and clearly states that the background noise level should be an \*LAeq reading taken before the event at a time of day when peak noise levels for the event are forecast, not "the noise level with skaters present and no music" as stated. The background LAeq measurement will set the target and this may be less than 60-70dB(A).

\*LAeq is the equivalent continuous sound level. It is a type of average and is used to describe a fluctuating noise in terms of a single noise level over the sample period (15min).

This incorrect methodology for measuring event noise levels would result in excessively high noise limits and must not be sanctioned by permitting this application.

Given all the mistruths, errors and omissions contained in this application it fails to establish that it is appropriate to allow any variation in Condition 5 of 22/01200/FUL and it should be rejected.

Kensington House  
33 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 18th August 2023

I was very disappointed to see the application for the use of generators again in Imperial Square and for the ice rink.

My objections are as follows:

#### 1. Local Air Pollution

Application 22/01200/FUL Condition - planning committee decided in 2022 that the benefits of the Ice Rink did not outweigh the harm. And concluded that the installation of Permanent Power Supplies were required before any further Ice Rink events could take place.

Nothing has changed, generators, even powered by HVO will still emit sizeable amounts of CO2 and NOx emissions and the supporting literature from the application is from biased industry sources - complex, difficult for the layman to understand and probably

Greenwashing. The emissions may be approximately 5% less but not significantly reduced.

The last Ice Rink put 100 tonnes of carbon into the area, damaging the health of residents and the properties which Grade II\* listed need to be maintained.

## 2. Batteries

The batteries suggested for overnight use will need to be charged by the generators during the day - using up additional fuel. There will not be surplus supply to do this (and is misleading) - as the generators generate just enough power - so the batteries will require additional fuel and generate additional pollution whilst charging.

The 3 batteries weigh approximately 2 tonnes each - so that's an additional 6 tonnes compacting the already damaged grass and presumably increasing the foot print of the site - although no site plan has been provided.

Once the batteries run out of power the generators will kick back in - this could be in the middle of the night - so not sure how this will reduce the noise.

## 3. Lack of transparency

A contract for the Ice Rink has already been awarded to S3K even though the permission has not been granted. How is this possible?

There is no sight plan.

## 4. Light and Noise pollution (not including generators)

The noise from the Ice Rink is not only from the generators but also from the music, people and cars resulting from the site. This was not managed well last time and it appears the measures suggested to manage this time are not in line with the Code of Practice and Guidance Notes on Noise Control for Concerts and Outdoor Events - please advise why this is the case.

The lights from the previous Ice Rink were on 24 hours a day and impacted on sleep patterns of residents. This is unacceptable.

## 5. Amenity of Imperial Gardens

The Ice Rink impacts on the amenity of Imperial Gardens. The residents of Cheltenham and visitors to the area will not be able to enjoy and use the gardens during period the Ice Rink is proposed - 46 days.

The damage from the last rink is still evident in the contamination of the lawns. In addition, there will be a period where there is no planting in the gardens and they will be unsightly as a result of the installation.

In conclusion

This application does not address or mitigate the issues which were raised last time when the Ice Rink did not go ahead. The reduction in pollution is grossly overstated, the

use of batteries overnight is misleading and in general, it does not seem in line with the CBC environmental policy.

I am strongly opposed.

32 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 25th August 2023

I object to the Variation of Condition 5.

Condition 5 of the original planning consent required that the generators be replaced by a mains supply for the 2023/24 Rink.

This was in line with the Council's 'Green' agenda to reduce carbon and other noxious emissions.

Having failed to organise a mains electricity supply, the Council are now find themselves unable to comply with Condition 5.

I understand that the contract for the 2023/24 Ice Rink was approved in May 2023. This approval was either incompetent - because it is not possible to run the Rink without power - or arrogant - because it assumed that Condition 5 would be varied (by the current application) to allow the use of generators.

The original consent was correct to include Condition 5. To allow the generators to be used would be at complete odds with the Council's oft stated 'Green' agenda.

The rejection of the Variation to Condition 5 will inevitably mean that plans for the 2023/24 Ice Rink will have to be abandoned. This is the consequence of failing to provide a mains supply; it is not a reason to vary Condition 5 and abandon the 'Green' progress it promotes.

31 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 20th August 2023

I strongly object to this application and am surprised to see the council are considering the Ice Rink again. As a resident I am hugely affected by the noise, light or air pollution that this will cause. Changing the application for the use of alternative generators is misleading as no environmental issues will be addressed. The effects the last rink had on the park are still evident and the memory of the disturbances we lived through are hard to eradicate.

25 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 21st August 2023

Dear head of planning

I am writing to object to the above planning permission at imperial gardens Cheltenham

Firstly. The last time the ice rink was here it was horrendous. Mainly because the noise was unbearable (Please note we have single glazed windows these houses are listed) from the generators but also the light emissions and the dreadful pollution they exhumed. We were told only would it be erected again if there was permanent electricity.

Also the constant chaotic traffic and parking. Why would you not do this in a larger space with parking it is utterly ridiculous

I await your response

Regards



23 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 18th August 2023

I strongly object to this application for the use of generators again in Imperial Square for the Ice rink. My objection is based on the following:

1. Negative Impact on Imperial Gardens: The Ice Rink impacts negatively on Imperial Gardens making the gardens unsightly and unusable for visitors and residents for the 46 days proposed and damaging the gardens substantially. Indeed the damage from the last Ice Rink is still evident on the lawns as is the damage to the pavements / gates and surroundings of the heavy vehicles used to install and desinstall the enormous structure.
2. Imperial Gardens is a residential area and a conservation area: as a resident we accept the limitations on what we can do with our Grade 2 Listed homes. This includes being unable to put double glazing in the windows. In addition, we keep the facade of the houses in good repair and in tune with their heritage status. The ice rink is not in keeping with the heritage nature of the square. It belongs in an location such as the race course where such a structure and the associated noise and pollution can be managed. The noise and pollution created by the generators make it impossible to sleep for the duration of their time and make them a health hazard.
3. Noise and Light Nuisance : Noise and light disturbance from the ice rink is substantial and should not be acceptable in a residential area. The last event was badly managed and left residents unable to rest at night and there are no proposals on how this will be improved this time around. This is unacceptable why should residents around Imperial Square have to have an unreasonable amount of noise and light pollution. What makes them different from other residents in Cheltenham?
- 4: Local air pollution: The last ice rink put 100 tonnes of carbon into the area damaging the Grade 2\* listed buildings that surround it. Who will pay for each of these buildings to be cleaned of such pollution and for any other damage, including to residents health? Please explain your plans for this compensation. It would appear that the council could be liable as they are aware of the level of pollution. Please explain how such compensation claims will be managed.
5. Disregard of the planning process: I understand that a contract has already been granted to S3K for this ice rink. May I understand how that can be allowed without this due process of approval and taking into account objections. Does this mean that the approval process is not taken seriously by the council?

In conclusion this application does not advance any solutions or mitigations to solve the issues raised last time the Ice Rink did not progress.

I strongly object to this planning application and ask that my points above be clearly answered by the council.

Wood Clinic (Cheltenham) Ltd  
Basement  
22 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 25th August 2023

- 1 The application contains false claims about the effect of the generators and should be fact checked.
- 2 you should not renege on your previous commitment - to require the reduction of carbon emissions and not allow generators from 2023 onwards
- 3 you are causing mental distress to me and my family due to the constant noise from the generators
- 4 you are meant to be promoting a carbon neutral cheltenham
- 5 there are alternatives to real ice
- 6 there are alternative parks that could do with the financial support and cope with the traffic
- 7 the park amenity will be unusable for the duration due to the size and noise
- 8 the park amenity will be crushed under the weight of 6 tonnes of generators destroying the park which has still not recovered

please don't allow this - it's unfair on the people who live here.

22 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 17th August 2023

FAO Victoria Harris,

Victoria, I have read the proposal for the Ice-rink and think it is ill conceived and contradicts what the Liberal Democrat council is trying to do.

I have copied in others that may not be aware of your proposal to go back on your word not to use fuel and generators to freeze ice in the middle of a global economic and environmental crisis. I have also highlighted other points that I do not believe you have considered, or certainly have not considered in a sufficiently robust manner.

I would be grateful if you could answer the questions highlighted below. For those copied in, please be assured that this is felt by almost everybody around the local area - please click on this link to see some of the objections.

Economic (not a planning consideration, but an essential consideration for this and other activities)

In 2021 the claim was that the Ice-Rink netted "more than £5,000 gross profit". When I asked (2 years ago) I was told this excluded the cost to make good Imperial Gardens that it had destroyed. So it was loss making.

Repeatedly I asked for the detail behind this, but you were not forthcoming. This hints at one of two things; either you do not do such analysis, or that it did not show a profit.

Jumping forwards 2 years to this proposal, and there are a number of factors that will make it considerably less profitable. Firstly inflation has been running at double digits, the bio-fuel you propose is 70% more expensive than fossil fuels and the cost of living squeeze is likely to reduce footfall from the hardest hit, family and young people, your core audience.

Again, please can you provide me with your financial analysis that underpins your proposal so I can assess what this is costing the Cheltenham area tax payers.

Environmental

Proposing that fuels be burnt to freeze Ice at a time when the world is literally on fire beggars belief. Bio-fuels are not green, although polluting less than traditional fuels, they have considerable CO2 emissions (see below).

Why are you looking to retract your promise from 2021 and burn fuel to freeze ice? Do you believe the environment has improved?

Local environment

Noise - Running generators at night is unacceptable. I did not sleep for 6 weeks while they were running. What are you doing to ensure that the generators are turned off mid evening and do not start until morning office hours?

Pollution - Biodiesel reduce CO2 by 48%, however still leaves 52% of the CO2 of traditional fuels, where you promised something giving zero emissions. I do not want to be subjected to this level of pollution. Also, my understanding is that it will not be 100% biodiesel, but mixed with traditional fossil fuels, is that correct? If so what percentage of fossil fuels will be used?

Light - Last time this ran the whole area was floodlit. Flood lighting a residential area 24/7 for 10 weeks is unacceptable. How are you going to stop the area being floodlit this year?

Logistics - Parking is at capacity with shopping and Christmas restaurants. This will add pressure in an area that already can't cope. What are you doing to increase parking in this area, or provide out of area shuttles?

Human waste - In the recent science festival, human waste was collected and spilt on the pavement. This is disgusting and unsafe. How are you going to make sure human waste is not collected on the pavement, road or public in areas?

What analysis have you done on light, noise, air pollution and logistics? Please can this be shared in detail so we know what the real impact is.

Contravening the councils own rules

You have said you will not bring generators back to power the Ice rink and that you will not exceed around 75 days of festivals. You are proposing doing both. You dress the Ice-rink up not as a festival but an event. This is nonsense it's exactly the same type of event and doubles the days you have promised.

You have just set the rule and are proposing that you break them. Why is this?

Hypocrisy

What you are proposing contradicts what you have been voted in to do and your own promises:

1. Max Wilkinson (libdem) on environment - "The world is experiencing a climate emergency. We cannot ignore this huge problem anymore. Experts expect South West England will be up to 2 degrees warmer in just 30 years. That might not sound like much, but it will mean risks to our residents from air pollution, from flooding, and to our wildlife"

2. From the Libdem Gloucestershire manifesto 2021 - "We will lead in tackling the climate emergency in Gloucestershire and take responsibility for our impact on the environment"

Are your words hollow, or lies?

Logic

From the above you can tell that I think the Ice-rink is a ludicrous idea that will punish the environment and local tax payers. All that aside, why is it being proposed in the area that

is already packed at Christmas and can't cope with the traffic it already gets? Don't you want to regenerate areas that are struggling?

With all this in mind, the proposal should be scrapped, however I do look forward to responses to the questions above as these issues are likely to be replicated in other projects and proposals.

Finally, is there going to be a meeting where this is discussed and will those that have objected be invited?

18 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 22nd August 2023

Letter attached.

40B The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 23rd August 2023

Letter attached

①

THE CHIEF PLANNING OFFICE,  
PLANNING DEPARTMENT,  
C.B.C. MUNICIPAL OFFICER,  
THE PROMENADE,  
CHELTENHAM.

18 Imperial Square  
Cheltenham  
Glos. GL50 1QZ

19/2/2023

REF:- 23/01324/CONDIT

ICE RINK + GENERATORS : IMPERIAL SQUARE.

Dear Sir,

My wife and I wish to object to the application to install an ice rink with generators and other facilities in Imperial Garden, Imperial Square, Cheltenham, before, during and after the Christmas period 2023/24.

This is an ugly development, completely out of character with this beautiful Regency Square and will deny public <sup>access</sup> to the Gardens, which were designed for quiet recreational enjoyment of the public, for a long period of the year and completely trash the lawns and flower borders for an even longer period over occupation by the ice rink, rig + derig + owing to restoration over months well into the Spring.

In the absence of a plan, these proposals include generators and associated facilities + food outlets

②

will require an even greater land take in the Gardens than hitherto seen during the last occupation by the Ice Rink and associated facilities last time.

This is unacceptable in ornamental Gardens such as Imperial Gardens.

We also wish to object to the increase in the level of pollution which will be caused in the Square by the generators and the noise they will produce in addition to the considerable noise + load music produced by + for skaters in the Ice Rink.

Furthermore, the vast crowds anticipated will present traffic and parking difficulties around the Square + general public misbehaviour can be anticipated as is always the case with these installations.

It is absurd that The Council places such matters on Climate Change in high esteem, whilst simultaneously maximising the misuse of energy in promoting and maintaining an ice rink in the town centre! — a complete contradiction of its policies.

Please register our objection to their proposed developments.

Your faithfully,

40B THE BROADWALK  
IMPERIAL SQUARE  
CHELTENHAM GL50 1QG



21/08/2023

The Planning Department  
Cheltenham Borough Council  
Promenade  
Cheltenham.

BY HAND

Dear Planning Officer,

**23/01324/CONDIT**

Variation of Condition 5 of Planning Permission 22/01200/FUL

**Objection**

Removal of Condition 5 should not be allowed as the alternative proposals do not appear to meet acceptable environmental standards from noise levels, pollution and harmful effects on soft landscaping as comprehensively set out in detail by other Objectors.

I therefore object to this application.

Yours faithfully,

