

## BATH AND NORTH EAST SOMERSET

### CABINET

These minutes are draft until confirmed as a correct record at the next meeting.

Wednesday, 12th September, 2012

#### **Present:**

Councillor Paul Crossley	Leader of the Council
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor Cherry Beath	Cabinet Member for Sustainable Development
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor David Dixon	Cabinet Member for Neighbourhoods
Councillor Roger Symonds	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth

#### **47 WELCOME AND INTRODUCTIONS**

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting.

#### **48 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the evacuation procedure as set out in the Agenda.

#### **49 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **50 DECLARATIONS OF INTEREST**

Jo Farrar, Chief Executive, declared that as the owner of a property in Bath Western Riverside, she had a personal interest in item 16 on the agenda (Core Strategy) but this was not pecuniary and so she would not be required to leave the meeting at that point.

#### **51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **52 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 14 questions from the following people: Councillors Eleanor Jackson (3), Michael Evans (2), Vic Pritchard (3), Mathew Blankley, David Martin; and members of the public Rae Harris (2), Ian Barclay and Simon Whittle.

*[Copies of the questions and response, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 1 and are available on the Council's website.]*

**53 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

Pamela Galloway made a statement relating to the 6/7 Buses Campaign [*attached as Appendix 2 to these minutes*] in which she appealed to Cabinet to maintain the bus service. She made reference to the elderly, those with health issues and those who needed to be able to access essential services who would be disadvantaged by a reduction in the service.

George Bailey made a statement relating to the Frome/Radstock Branch Line [*attached as Appendix 3 to these minutes*] in which he thanked Councillor Roger Symonds for attending a recent meeting to explore the issues. He expressed optimism that the project would be well supported by all the local councils, partnerships and communities.

**54 MINUTES OF PREVIOUS CABINET MEETING**

On a motion from Councillor Paul Crossley, seconded by Councillor David Dixon, it was

**RESOLVED** that the minutes of the meeting held on Wednesday 11<sup>th</sup> July 2012 be confirmed as a correct record and signed by the Chair.

**55 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

**56 CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

The Economic and Community PDS Panel had previously made recommendations to Cabinet relating to Retaining Graduates. Councillor Cherry Beath thanked the Panel for the work they had done, and for their recommendations. She said that the Cabinet had already published its response to the Panel's recommendations.

**57 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Cabinet agreed to note the report.

**58 PROPOSED SHARED USE TRACK BETWEEN BATHWICK STREET AND POWLETT ROAD, BATH**

Julie Trollope (Chair, Bathwick Estate Residents' Association) in a statement [*a copy of which is attached to the Minutes as Appendix 4 and on the Council's website*] asked the Cabinet to consider the risks of making the narrow passageway shared use. She had concerns about the safety of pedestrians and cyclists because of the hazards along the route.

Cynthia McNally (Bathwick Estate Residents' Association) reminded the Cabinet that the passageway was busy for much of the day and asked them to refuse to convert it to shared use.

Alun Morgan in a statement [*a copy of which is attached to the Minutes as Appendix 5 and on the Council's website*] explained that shared use would be a hazard to both pedestrians and cyclists. He asked Cabinet not to agree the proposals.

Hugh Dowson in a statement [*a copy of which is attached to the Minutes as Appendix 6 and on the Council's website*] made a number of observations about safety, consultation and consideration for other users. He asked the Cabinet to satisfy themselves about all these issues before taking the step to make the path shared use.

Councillor Patrick Anketell-Jones in an *ad hoc* statement said that he approved of the alternatives to car use but said that there was a perceived hierarchy which put pedestrians first and cyclists second; so he hoped that cyclists would dismount to show consideration to pedestrians. He was concerned that the path exited straight onto a pavement at both ends.

Councillor Tim Warren in an *ad hoc* statement stressed that the path was too narrow to be shared use.

Councillor Roger Symonds in proposing the item, said that the proposal was for shared use, not as a cycle path. There had originally been a petition of 100 signatures asking for it to be designated as shared use. He observed that both the ward Councillors were supportive of the proposals. He referred to the comments made by a number of people about the width, and said that the 3 feet width was guidance only. Before recommending the path for shared use, the highway engineers had fully considered all the safety issues. He referred to appendix 2 of the report, which gave the consultation results.

Councillor David Dixon said that he was pleased to second the proposal. It had been requested by local residents who had submitted the original petition. He asked Councillor Symonds however to ensure that the pathway would be resurfaced.

On a motion from Councillor Roger Symonds, seconded by Councillor David Dixon, it was

**RESOLVED** (unanimously)

(1) To REFER the Cycle Track Order to the Secretary of State for confirmation.

## **59 CONCEPT STATEMENTS FOR REDEVELOPMENT OF MOD SITES AT FOXHILL, WARMINSTER ROAD AND ENSLEIGH IN BATH**

Matthew Wheeldon (Governor, Combe Down Primary School) in a statement [*a copy of which is attached to the Minutes as Appendix 7 and on the Council's website*] made some proposals, relating to primary school provision, which he felt would bring major benefits for the communities of Foxhill and Combe Down. He asked Cabinet to ensure that future developers did not make decisions about the provision of education in these communities.

Jo Davis (GVA Planning Consultants on behalf of Skanska) in a statement [*a copy of which is attached to the Minutes as Appendix 27 and on the Council's website*] made comments relating to the problems of phased delivery, the delivery of education, and environmental impact. She said that her clients took the view that the

Concept Statements would prohibit a commercially viable redevelopment from delivering the required community infrastructure

Alan Langton (Trustee, Bath Preservation Trust) in a statement [*a copy of which is attached to the Minutes as Appendix 8 and on the Council's website*] said that the Trust was very pleased that many of the points they had raised had been incorporated into the latest draft. He emphasised the concerns that the housing potential must not be overstated, or else the sites would lose quality and amenity when developed. He recommended a switch to low rise, high density housing for the Ensleigh site.

Councillor Patrick Anketell-Jones in an *ad hoc* statement reminded Cabinet that he had previously said that the Ensleigh Concept statement was not sustainable. He had now read the submission from the Bath Preservation Trust and was confirmed in his view.

Councillor John Bull in an *ad hoc* statement expressed concern at recent successful attempts by developers to reduce the affordable housing element from 30% to 25% or even 20%. He said that the Labour Group wanted to avoid this and encouraged the Cabinet to stand firm on this requirement.

Nigel Dann, a resident of Foxhill, in an *ad hoc* statement agreed with Councillor Bull. He felt that most developers would try to wriggle out of the parts of the statements which would be beneficial to the local community. He therefore wanted to see a master plan which would prevent this from happening.

Councillor Tim Ball in proposing the item, observed that the proposals did not constitute a Supplementary Planning Document. They were concept statements. He reminded those present that the Council did not own the 3 portions of land in question. He agreed with Councillor Bull that the Council must stand firm on the 35% affordable housing requirement, despite recent government statements about this.

He referred to the comments made about sustainability and the environmental impact and promised to take into account all the submissions received.

He also promised to give consideration to the need for education places, especially given the recent mini population boom.

Councillor Paul Crossley seconded the proposal. He agreed that the provision of 35% social housing on the sites would be crucial. He promised that Cabinet would carefully consider the schools provision, especially in the light of the population increase.

Councillor Cherry Beath felt that the Concept Statements were robust and that they had benefitted from the public consultation. She wanted to see positive and distinctive aspects to each site, and emphasised that it was crucial for each site to integrate fully within the city and its surrounding community.

Councillor Beath asked the proposer and seconder to consider an amendment to the effect that an extra point would be added at the end of the Planning Obligations sections in all three Concept Statements, to read: "Financial contribution towards provision of replacement employment provision to be allocated within the Bath area".

The proposer and seconder of the motion accepted the amendment.

Councillor Roger Symonds said that it was not clear how the Council could influence the development. He agreed with others that integration of the Foxhill development into the nearby community would be crucial. He emphasised the loss of jobs in the

Foxhill area as a result of the MoD closure. He also agreed that a school must be provided in Combe Down, not least for local families but also to ensure the viability of the local shops.

Councillor Tim Ball thanked all the speakers for their contributions. He felt that it would be essential to protect both housing and employment on the 3 sites.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was **RESOLVED** (unanimously)

(1) To ENDORSE the amended Concept Statements for Development Control purposes and for incorporation into the Placemaking Plan Options; and

(2) To AGREE that an extra point be added to all three of the Concept Statements at the end of the Planning Obligations sections, to read: "Financial contribution towards provision of replacement employment provision to be allocated within the Bath area".

*[Note: Clause (2) above was the result of an amendment proposed by Councillor Cherry Beath and accepted by Councillors Tim Ball and Paul Crossley]*

## 60 BATH & NORTH EAST SOMERSET GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITES ALLOCATION PLAN

Judith Chubb-Whittle (Chair, Stanton Drew Parish Council) in a statement *[a copy of which is attached to the Minutes as Appendix 9 and on the Council's website]* opposed the inclusion of the Stanton Wick site in the list.

Patrick Harrison (Chelwood Parish Council) in a statement *[a copy of which is attached to the Minutes as Appendix 10 and on the Council's website]* opposed the inclusion of the Stanton Wick site in the list.

Mary Walsh (Joint Chair, Whitchurch Village Action Group) in a statement *[a copy of which is attached to the Minutes as Appendix 11 and on the Council's website]* opposed the inclusion of the Woollard Lane site in the list.

Christine Saunders (Whitchurch Village Action Group) in a statement *[a copy of which is attached to the Minutes as Appendix 12 and on the Council's website]* opposed the inclusion of the Woollard Lane site in the list.

Paul Baxter (Stanton Wick Action Group) made a statement opposing the inclusion of the Stanton Wick site in the list. He stressed that all the sites should be reconsidered, now that the criteria had been amended.

Chris Ree (Stanton Wick Action Group) in a statement *[a copy of which is attached to the Minutes as Appendix 13 and on the Council's website]* opposed the inclusion of the Stanton Wick site in the list.

Jennie Jones (Stanton Wick Action Group) in a statement *[a copy of which is attached to the Minutes as Appendix 14 and on the Council's website]* opposed the inclusion of the Stanton Wick site in the list.

Sue Osborne (Stanton Wick Action Group) in a statement *[a copy of which is attached to the Minutes as Appendix 15 and on the Council's website]* opposed the inclusion of the Stanton Wick site in the list.

Simon Whittle (Stanton Wick Action Group) in a statement *[a copy of which is attached to the Minutes as Appendix 16 and on the Council's website]* opposed the inclusion of the Stanton Wick site in the list.

Karen Abolkheir (Stanton Wick Action Group) in a statement [*a copy of which is attached to the Minutes as Appendix 17 and on the Council's website*] opposed the inclusion of the Stanton Wick site in the list.

Clarke Osborne (Stanton Wick Action Group) in a statement [*a copy of which is attached to the Minutes as Appendix 18 and on the Council's website*] opposed the inclusion of the Stanton Wick site in the list.

Phil Townshend (Stanton Wick Action Group) in a statement [*a copy of which is attached to the Minutes as Appendix 19 and on the Council's website*] opposed the inclusion of the Stanton Wick site in the list.

Ken Sutton (Bath Old Road Action Group) in a statement [*a copy of which is attached to the Minutes as Appendix 20 and on the Council's website*] opposed the inclusion of the Bath Old Road site in the list.

Cllr Eleanor Jackson in a statement [*a copy of which is attached to the Minutes as Appendix 21 and on the Council's website*] made a number of observations and recommendations for Cabinet to consider.

Richard Fox (a local farmer) referred to the site off Mill Lane, Radford and said that there were access issues, lack of mains water and flood risk. He appealed to Cabinet to remove the site from the list.

Rosemary Collard (Snapdragons Nursery) in a statement [*a copy of which is attached to the Minutes as Appendix 22 and on the Council's website*] reminded Cabinet that unless the 3 relevant sites were removed, the Council would face a judicial review from 3 local action groups.

Alyson Lampard (Resident of Whitchurch) in a statement [*a copy of which is attached to the Minutes as Appendix 23 and on the Council's website*] appealed to Cabinet to remove the Woollard Lane site from the list.

Councillor Patrick Anketell-Jones in an *ad hoc* statement felt that the site allocation plans had been a failure. He warned the Cabinet not to seek a solution with one large site. Many small sites would better meet the need of the travelling population and would cause less disruption to local communities. He observed that the site in Lower Bristol Road was already running and suggested that Cabinet should go ahead with that site without further delay.

Councillor Geoff Ward in an *ad hoc* statement said that the site allocation plan had been handled badly and had blighted the lives of a number of small communities. He felt that the report being considered by Cabinet did not live up to the promises that 3 sites would be removed from the list.

Tracey Cuthbert (a resident of Twerton Travellers Site) in an *ad hoc* statement explained the history of the site and said that she and her family had been very happy there for 2 years. Her children had made friends at school and the teachers had been very supportive. She appealed to the public to tolerate travellers on well managed sites in the area.

Councillor Tim Ball, in proposing the item, referred to an update report which had been placed in the public gallery before the meeting [*and which has been attached to these minutes as Appendix 24 and on the Council's website*]. He explained that there had been a perfectly good reason for removing the 17 sites – they had all been rejected for planning reasons. He moved the recommendations but added a further paragraph, which would have the effect of removing a further 3 sites from the list going forward.

Councillor Paul Crossley seconded the proposal. He said that this Council was the only one in the country with no sites at all. He promised to evaluate all suggestions put forward. He thanked the planning officers for their hard work in bringing the issue to the current point.

Councillor Simon Allen asked the proposer and seconder to consider an amendment to the effect that the Cabinet would make progress on a planning application at Lower Bristol Road for gypsy and traveller pitches.

The proposer and seconder agreed to accept the amendment.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To NOTE that a post consultation 'stock take' of the Gypsies and Travellers Site Allocations Plan preparation process is underway which entails:

- responding to the issues arising from the Preferred Options consultation;
- ongoing assessment of the 6 sites previously consulted on;
- assessment of new sites suggested through the Call for Sites, including a review of the existing unauthorised Gypsy and Traveller sites;
- a review of the site selection process which will be used to review existing sites and assess new sites (see draft in Appendix 3);
- review of major development sites, as part of the Core Strategy review, to assess opportunities for Gypsy and Traveller sites;
- a review of capacity outside the Green Belt, including opportunities for provision in neighbouring local authorities;
- an update to the assessment of need for pitches to establish the level of need for 5 and 10 year supply of sites in accordance with Planning for Traveller Sites; and
- ongoing engagement with neighbouring local authorities in accordance with the duty to cooperate.

(2) To NOTE the progress of the ongoing site assessment work conducted following the public consultation (see paragraphs 5.12 to 5.26); and

(3) To CONSULT on the results of the stock take referred to in (1) above before preparing a Draft Plan.

(4) To AGREE that in light of the additional evidence arising from the ongoing assessment of sites as summarised in paragraphs 5.14 to 5.26 to the report, and based on an evaluation of these sites against the selection criteria in Appendix 3, the following sites should no longer be pursued as potential sites for allocation as gypsy or traveller pitches in the site allocations Development Plan document: Site GT2: Old Colliery Buildings, Stanton Wick; Site GT4: Former Radstock Infants' School Canteen; Site GT14: Land near Ellsbridge House, Keynsham; and

(5) To AGREE that whilst the Council is progressing the DPD in light of the absence of any authorised permanent sites within the District the Council should progress a planning application at Lower Bristol Road for gypsy and traveller pitches.

*[Note: Resolution (5) above was proposed as an amendment by Councillor Simon Allen which was accepted by the proposer and seconder of the main motion].*

## 61 ADOPTION OF "MY NEIGHBOURHOOD - A NEIGHBOURHOOD PLANNING PROTOCOL FOR BATH & NORTH EAST SOMERSET"

Alan Langton (Trustee, Bath Preservation Trust) in a statement [*a copy of which is attached to the Minutes as Appendix 25 and on the Council's website*] felt that the revised protocol had introduced greater balance. He was pleased to see references to enforcement and to heritage assets. He did however feel that there should be a reference to the World Heritage Site if the document was to be fully fit for purpose.

Councillor Tim Ball in proposing the item, said that this would be the first of many papers to be considered by Cabinet as a result of the Localism Bill. He particularly referred to paragraph 4.9 of the report, which showed that the document had achieved national recognition as good practice.

Councillor David Bellotti seconded the proposal.

On a motion from Councillor Tim Ball, seconded by Councillor David Bellotti, it was

**RESOLVED** (unanimously)

(1) To ADOPT the My Neighbourhood: A Neighbourhood Planning Protocol for B&NES as the Council's policy on Neighbourhood Planning and community engagement in planning superseding the existing Statement of Community Involvement for Planning (2007); and

(2) To DELEGATE responsibility to the Divisional Director (Planning & Transport), in conjunction with the Cabinet Member for Planning and Housing, to make final graphic and minor textual amendments prior to publication of the Neighbourhood Planning Protocol.

## 62 B&NES CORE STRATEGY: INSPECTOR'S PRELIMINARY CONCLUSIONS

Alan Langton (Trustee, Bath Preservation Trust) in a statement [*a copy of which is attached to the Minutes as Appendix 26 and on the Council's website*] warned that it might become necessary to accept that the anticipated housing numbers could not in fact be delivered but he emphasised that the Trust recognised the need for housing development in Bath and would be happy to act as a 'critical friend' on preparatory work on housing numbers before and during the consultation phase.

Councillor Geoff Ward in an *ad hoc* statement observed that there was an urgent need to make progress on the Core Strategy. He felt that given the urgency of the work in hand, the Planning Department was understaffed.

Councillor Vic Pritchard in an *ad hoc* statement asked how the Council would deal with the situation that, having no Core Strategy in place after March 2013, it would be unable to defend planning appeals.

Councillor Tim Ball in proposing the item thanked the Bath Preservation Trust for always providing helpful, constructive comments. In response to Councillor Geoff Ward, he observed that the urgency was caused by the fact that the Cabinet had inherited the situation. He therefore confirmed that the Planning Department would be working only on the Core Strategy and the Gypsy/Travellers Sites, so as to ensure that those critical policies were delivered.

Councillor Paul Crossley seconded the proposal. He agreed that, to avoid the problems described by Councillor Vic Pritchard, it was essential to adopt a Core Strategy. He observed that it had been unhelpful of government to announce an



extra 20% burden on Councils half-way through the process. He was determined that this time, the Council would be able to answer all the Inspector's concerns.

Councillor David Bellotti supported the paper.

On a motion from Councillor Tim Ball, seconded by Councillor David Bellotti, it was

**RESOLVED** (unanimously)

- (1) To NOTE the brief for the review of the Core Strategy; and
- (2) To AGREE the revised Local Development Scheme.

### **63 LOCAL SUSTAINABLE TRANSPORT FUND WEST MAJOR SCHEME**

Councillor Tim Warren in an *ad hoc* statement said he was delighted with the proposals.

Councillor Roger Symonds in proposing the item, said that the Council had been allocated £3.1M by government to use towards sustainable transport. He intended to use it to promote car clubs, and to work with schools and universities. It would be applied both to active leisure and travel to work.

Councillor Paul Crossley seconded the proposal.

On a motion from Councillor Roger Symonds, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

- (1) To ACCEPT the LSTF award by the DfT;
- (2) To AGREE that the projects outlined in Appendix A of the report be implemented in accordance with the grant conditions; and
- (3) To APPROVE the capital budgets set out in the report for inclusion in the Capital Programme.

### **64 ENVIRONMENTAL SUSTAINABILITY & CLIMATE CHANGE STRATEGY**

On a motion from Councillor Paul Crossley, seconded by Councillor Roger Symonds, it was

**RESOLVED** (unanimously)

- (1) To ENDORSE the ESCC Strategy, further to adoption by the ESP Board, in order to support the work of the ESP and demonstrate the Council's leadership.

### **65 FAMILY AND FRIENDS CARE POLICY**

Councillor Paul Crossley moved the recommendations. He congratulated the officers who had worked on the policy documents.

Councillor Simon Allen seconded the proposal. He stressed that if a child could not be supported by its parents, then it was important that the wider family and friends should be helped to provide care.

On a motion from Councillor Paul Crossley, seconded by Councillor Simon Allen it was

**RESOLVED** (unanimously)

(1) To APPROVE the draft Bath and North East Somerset Family and Friends Care Policy.

**66 YOUTH JUSTICE PLAN 2012-13**

Councillor Paul Crossley observed that this was an annual report, required by law. He was delighted to note the excellent work taking place in the authority to work with young people. He explained that he wished to amend the wording of paragraph 3.3 of the report, to the effect that after the words “within budget”, a full stop would be inserted and the rest of the sentence would be deleted. He further intended to move the recommendations with the addition of a new clause, to the effect that work would be done to ensure that the next version of the Plan would have more detail on education and training for young people in order to reduce re-offending rates and prevent young people at risk of offending in the first place.

He moved the amended recommendations.

Councillor Cherry Beath seconded the proposal. She looked forward to the development of the Restorative Youth Justice Team.

Councillor David Dixon said that the report showed how much more could be achieved by working in partnership with other agencies.

On a motion from Councillor Paul Crossley, seconded by Councillor Cherry Beath, it was

**RESOLVED** (unanimously)

(1) To AGREE that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998;

(2) To RECOMMEND the Youth Justice Plan to Council for adoption as part of the Council’s Policy and Budget Framework and submission to the Youth Justice Board; and

(3) To AGREE that work will be done to ensure that the next version of the YJP has a much more detailed plan on education and training for young people as a means to reduce re-offending rates and prevent young people at risk of offending in the first place.

**67 PRIMARY AND SECONDARY SCHOOL ORGANISATION PLAN 2011-2015**

Councillor Paul Crossley said that the Plan was self-explanatory and robust. He recommended the plan for approval.

Councillor Dine Romero seconded the proposal.

Councillor David Bellotti referred to paragraph 3.3 of the report and said that he would ask for further information on how the decision had been reached to make provision for primary education on the Bath Western Riverside from 2022, when the need would arise from 2015.

On a motion from Councillor Paul Crossley, seconded by Councillor Dine Romero, it was

**RESOLVED** (unanimously)

(1) To APPROVE the Primary and Secondary School Organisation Plan 2011-2015; and

(2) To APPROVE the proposed strategy for the provision of school places within the plan period up to 2015 and over the longer term within the Core Strategy Plan period.

**68 DETERMINATION OF THE STATUTORY NOTICE TO ALTER THE LOWER AGE LIMIT AT CAMERTON CHURCH SCHOOL**

Councillor Paul Crossley expressed his delight at the remarkably good news for Camerton School and moved the recommendations.

Councillor Dine Romero seconded the proposal.

On a motion from Councillor Paul Crossley, seconded by Councillor Dine Romero, it was

**RESOLVED** (unanimously)

(1) To AGREE that the lower age limit of Camerton Church School be altered from age 4 to age 3 by the addition of Early Years provision to commence on 1 October 2012.

**69 TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2012**

Councillor David Bellotti moved the recommendations. He referred to paragraph 5.6 of the report, which showed that current borrowings were £120M expected to peak at £170M which was less than the £204M inherited by the administration.

Councillor Paul Crossley seconded the proposal.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To NOTE the Treasury Management Report to 30th June 2012, prepared in accordance with the CIPFA Treasury Code of Practice; and

(2) To NOTE the Treasury Management Indicators to 30th June 2012.

**70 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - APRIL 2012 TO JULY 2012**

Councillor Vic Pritchard observed that the £1.8M designated for gypsy/Traveller sites in the current year would not be spent; and asked Cabinet therefore to vire a substantial amount to be used for affordable housing.

Councillor David Bellotti moved the recommendations. He explained that there had been an overspend on transport because, as the Park and Ride sites become successful, less people are parking in the centre of Bath. However he expected that there would be a satisfactory situation by the end of the financial year. He observed that £0.5M had been allocated for affordable housing, and expressed the hope that this might be increased in the next round.

Councillor Tim Ball seconded the proposal. He responded to Councillor Vic Pritchard by pointing out that £1.8M capital borrowing was not the same as cash in hand. He

said that until the size of the site was known, it was not possible to determine the cost.

On a motion from Councillor David Bellotti, seconded by Councillor Tim Ball, it was

**RESOLVED** (unanimously)

- (1) To ASK Strategic Directors to continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control;
- (2) To NOTE this year's revenue budget position as shown in the report;
- (3) To NOTE the capital expenditure position for the Council in the financial year to the end of July and the year end projections;
- (4) To AGREE the revenue virements listed for approval in the report; and
- (5) To NOTE the changes in the capital programme listed in the report.

The meeting ended at 9.30 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**

## CABINET MEETING 12<sup>th</sup> Sep 2012

### QUESTIONS AND ANSWERS - COUNCILLORS

<b>M 01</b>	<b>Question from:</b>	Councillor Eleanor Jackson
<p>What is the cabinet going to do about the half million pounds promised to the people of Radstock by Cllr Bellotti in the 2012-13 Budget for economic regeneration, and which would be most appropriately used to create apprenticeships?</p>		
<b>Answer from:</b>		Councillor Cherry Beath
<p><i>The exact details of the proposals are still to be finalised, but will need to relate to capital expenditure.</i></p> <p><i>In respect of apprenticeships the Council is actively involved in increasing apprenticeship opportunities through the B&amp;NES Learning and Skills partnership, membership of which includes the National Apprenticeships service and both Colleges.</i></p>		
<b>Supplementary Question:</b>		
<p>The Economic Forum is nearly as defunct as the NRR. Will the Cabinet member not agree that an apprenticeship scheme is badly needed?</p>		
<b>Answer from:</b>		Councillor Cherry Beath
<p><i>My reply referred to apprenticeships and I will discuss this with Councillor Jackson after the meeting. The Economic Forum is <u>not</u> defunct.</i></p>		

<b>M 02</b>	<b>Question from:</b>	Councillor Eleanor Jackson
<p>When are effective measures going to be taken to reduce speeding down the Bath Old Road, the Frome Road (A362) and Kilmersdon Road/Haydon Hill? It is now more than six months since Cllr Symonds visited the problem areas, but nothing has been done.</p>		
<b>Answer from:</b>		Councillor Roger Symonds
<p><i>The A362 Frome Road has been considered and the following actions carried out:</i></p> <ol style="list-style-type: none"> <li><i>1. 30mph roundels have been painted on both inbound and outbound carriageways from Radstock centre to Writhlington crossroads.</i></li> <li><i>2. The Safety Camera operators have agreed to enforce on this road. A site has been selected at Mount Pleasant and enforcement has already taken place. Dedicated parking bays on the wide footway at this site are due to be installed in the near</i></li> </ol>		

*future to allow more regular enforcement to be carried out.*

3. *A pole and power for a vehicle activated sign is in place, also at Mount Pleasant. Funding for the sign is not in the current capital programme, however an item will be included in the bid for 2013/14 capital funding.*

*With regard to Kilmersdon Road/Haydon Hill, 30 roundels are in place, and a funding item for a vehicle activated sign will be included in the bid for 2013/14.*

*Although Bath Old Road is known to be used by rat-running traffic trying to avoid queues on the A367 into Radstock, counts have shown that vehicles do not generally contravene the speed limit, therefore no further action is proposed at this location.*

<b>M 03</b>	<b>Question from:</b>	Councillor Eleanor Jackson
When is the NRR going to be held to account for the SWRDA and B&NES funding it has received since 2000 without a single house being built on the former GWR railway lands, Radstock?		
	<b>Answer from:</b>	Councillor Paul Crossley
<i>The Cabinet meet regularly with NRR and their preferred development partner Linden Homes to continue to challenge and support progress towards regeneration. SWRDA's grant was specifically for land purchase which has been completed and therefore meets the conditions of the grant. This investment is secured via a charge on the land.</i>		
<b>Supplementary Question:</b>		
Is the Cabinet member aware that according to Companies House, there is a further mortgagee Bellway Homes? What are the implications of this?		
	<b>Answer from:</b>	Councillor Paul Crossley
<b><i>The following response was provided within 5 days of the meeting:</i></b> <i>Yes, I am aware of the Bellway charge over the land. The development cannot start on the site without clearing the Bellway charge. This is responsibility of the landowner and their current development partner.</i>		

<b>M 04</b>	<b>Question from:</b>	Councillor Michael Evans
RE: Designated Public Place Order, Midsomer Norton Midsomer Norton Town Council voted, on 6 August, in favour of a Designated Public Place Order in the town. As in Bath, this order would authorise police to require individuals to give up their alcohol if it is being consumed in the Designated Place. It would not outlaw all alcohol consumption in the area, and already licensed parts of the area such as tables outside pubs are excluded. Police would be unlikely to approach those consuming alcohol in a peaceable and unthreatening way. The local police are in		

favour of such an order. Evidence indicating the need for the order and public support for it is already in place as a result of the survey conducted by the Town Council in support of the Community Alcohol Partnership in Midsomer Norton, which was launched on July 16th.

Midsomer Norton Town Council has offered to contribute officer time to carry out the necessary administrative work and formal public consultation to bring the order into effect. Would the Cabinet Member commit to supporting the use of the appropriate Bath and North East Somerset officers to enable Bath and North East Somerset Council to make this order?

**Answer from:**

Councillor David Dixon

*Officers of the Public Protection Service and Community Safety Team are already attending the Midsomer Norton Community Alcohol Partnership, which is led by local Councillors. Members of this group include Avon and Somerset Police, Midsomer Norton Town Council and local businesses who, along with officers of this authority are working together with a focus on alcohol related issues.*

*The Community Alcohol Partnership (CAP) has developed its Action Plan which sets out to address the main drivers associated with alcohol related nuisance and anti-social behaviour through a comprehensive partnership approach. A key aim of the CAP is to evidence the level and nature of problems associated with the Night Time Economy of Midsomer Norton and ensure that the action plan reflects actual need.*

*A group of officers together with concerned local residents conducted a night time audit of the town on the evening of Friday 31 August - carrying out a survey of the area, assessing anti- social behaviour, noise and litter etc. Problems and issues highlighted from Friday evening are already being actioned through the Licensing Enforcement Group (LEG.). In addition, based on the observations made during the audit, a range of further actions will be implemented, including provision of specific advice and education to proprietors of fast food venues to reduce dumping of food wrappers and soft drinks containers; also to liaise with providers of local youth services to work with young people to address noise and nuisance in a number of identified hot spot locations.*

*I am delighted to commit the use of appropriate officers from the Community Safety and Public Protection teams to work with partner organisations including Midsomer Norton Town Council to follow the process of consultation and introduction of a Designated Public Place Order in Midsomer Norton."*

**Supplementary Question:**

Thank you for the response. May I assure him that there will be cross-party cooperation on this?

**Answer from:**

Councillor David Dixon

*Yes, that is welcome.*

**M 05**

**Question from:**

Councillor Vic Pritchard

Why is it that hedges and verge cutting on public highways have not maintained to the same level as in previous years? I have witnessed several occasions of an elderly lady walking in the road approaching the two headed man junction due to the fact the footpath was impassable due to overgrowth of brambles and nettles over a considerable distance, which is not conducive to pedestrian safety.

**Answer from:**

Councillor Roger Symonds

*A proposed reduction in the verge maintenance programme for 2012/13 was reported to the PDS Panel on 17 January 2012 and adopted as part the budget approved by full Council on 14 February 2012.*

*An exceptionally wet summer has accelerated the growth of vegetation creating an extra demand for service. To ensure safety for all users of the highway, Extra resources are being deployed to attend to any area deemed to cause a problem, identified by the public or the Highways team.*

*In a number of locations being reported to the Council the problem is due to landowners failing to prevent their trees, hedges and shrubs overhanging the highway. Where appropriate, the Officers will serve formal notice and take action against landowners who create a danger by failing to maintain their verges/hedges.*

**Supplementary Question:**

You admit to cutting the verge programme but excuse yourself by saying that you provided extra resources because the summer had been so wet. But when will we see some action?

**Answer from:**

Councillor Roger Symonds

*I refer Councillor Pritchard to my previous answer. Where long grass becomes a possible safety risk, we cut it immediately.*

**M 06**

**Question from:**

Councillor Mathew Blankley

The Draft Core Strategy states that B&NES "recognises the need for studies to assess the Saltford bypass" and Saltford's Parish Plan makes clear that 70% of respondents want the village bypassed. Given that this Cabinet provided £100,000 for a High Level Option Assessment into the viability of a re-opened station, in June of this year, (and suggests that another £150,000 will be needed over the coming two years), could the Cabinet Member confirm when the Council will initiate a High Level Option Assessment into the bypassing of Saltford?

**Answer from:**

Councillor Roger Symonds

*The reference to a study into a Saltford Bypass is based on the modelling work that was undertaken in developing this Council's Core Strategy and is listed as a possible longer term project in the Joint Local Transport Plan 3. There is no budget to undertake this work. Funds were made available for reviewing the potential to reopen Saltford Station*



*as part of the Greater Bristol Metro project, a priority project in Joint Local Transport Plan 3, and also to take advantage of the opportunities presented by the new Great Western Franchise and the electrification of the main line to London.*

**M 07**

**Question from:**

Councillor Michael Evans

An update report on parking charges was presented to the Planning, Transport and Environment PD&S Panel on the 26th July. In the report, the fact that some car parks outside of Bath are currently free of charge is described as an 'anomaly', and the report states that 'it is generally accepted that the reason for visits to town centres are rarely if ever affected by parking charges and the retail or facilities on offer the biggest issue for the public choosing to or not to visit.' However, no reference is made in the report as to who it is that this assertion is 'generally accepted' by.

Given the support free parking has amongst local businesses, can the Cabinet Member please justify this claim and explain by whom 'it is generally accepted that the reason for visits to town centres are rarely if ever affected by parking charges', and provide any evidence to support this?

**Answer from:**

Councillor Roger Symonds

*The view quoted is informed by a number of sources as cited later in this response. Parking is not free. The costs for running, maintaining and, if necessary enforcing the car parks are paid from the general fund and therefore fall on all residents, including those who do not have a car through choice or economic circumstances. Unrestricted car parking does not on the whole generate a level of vehicle turnover necessary to support the economic viability of destinations as the parking spaces are usually taken up by commuters, workers and other long stay parking and this can reduce accessibility for those wanting to visit. Within the studies, accessibility is one of the key requests and has more impact on behaviours than parking charges – as does the cost of fuel. Parking management, including the use of charges, can therefore benefit the retail trade within a location by encouraging visitor turnover, resulting in more footfall. Implementing charges in some locations and not others of similar size or facilities is not consistent and might be considered an anomaly in strategy.*

*The Association of Town Centre Managers study indicates that there is no clear correlation between parking charges and retail performance and further work is being undertaken on this issue with results expected shortly. The Europe wide Cost 342 study also found little evidence of correlation but did indicate that public reaction to increased parking charges is usually short term. Parking demand falls for a period and then reverts to normal. There is also some evidence that a sharp reduction in parking charges if in place does not result in a proportionate increase in car park use. When the public have been questioned, the retail offer is usually the main reason for a decision to visit one location over another when shoppers are questioned with parking charges much lower down the list. Additionally, the Audit Commission has historically found no correlation between the offer of free parking and choice of destination.*

*Amongst others, the following reports, studies and documents were used when informing the view although this is not a comprehensive list of all research and information available to officers:*

- *Public Experiences of and Attitudes Towards Parking, DfT, 2009*
- *Parking Measures and Policies Research Review, TRL for the DfT May 2010*

- *Europe Wide Study 342, 2005*
- *You pay for what you get: How parking fees relate to the quality of a city centre: Sjoerd Stienstra (Grontmij Parkconsult, Netherlands) Ian Betts (Betts Consulting UK)*
- *Parking Strategies and Management, Institute of Highways and Transportation, 2005*
- *Traffic and parking in town centres, Association of Town Centre Managers, 2005*
- *The Portas Review of High Streets, Mary Portas, 2011*
- *Spaced Out – Perspectives on Parking, RAC Foundation, 2012*

**Supplementary Question:**

Is the Cabinet member aware of the difference between a city and a market town? The Portas review recommends free parking, so how can he quote her report in support of his own argument?

**Answer from:** Councillor Roger Symonds

*Yes, I am aware of the difference between a city and a market town. But there is no such thing as free parking.*

**M 08** **Question from:** Councillor David Martin

Will the Leader of the Council support the Energy Bill Revolution national campaign to reduce fuel bills through improved energy efficiency? Almost 10,000 households in B&NES are in fuel poverty, facing high energy costs, and living in dwellings that are energy inefficient. Cold homes damage the health of vulnerable people and the NHS has to bear the costs of illnesses caused by lack of adequate warmth. Over the next 15 years the Government will raise an average of £4B/year in carbon taxes. Recycling this revenue back into households to improve insulation, install modern heating systems and other energy efficiency measures will help bring people out of fuel poverty, create jobs and cut carbon emissions. This campaign calls on the Government to recycle revenues from carbon taxes into improving the energy efficiency of UK homes.

**Answer from:** Councillor Paul Crossley

*I support the Energy Bill Revolution campaign to accelerate improved home energy efficiency across the UK using the money raised through carbon taxes on business. We have around one in six of our households in Bath and North East Somerset that meet the definition of fuel poverty and require huge numbers of better insulated homes and renewable energy installations to meet our carbon reduction targets. Enabling more residents to make their own homes super energy efficient improves health and wellbeing, reduces health care costs and aligns with the Council aim of helping everyone reach their potential.*

**M 09** **Question from:** Councillor Vic Pritchard

At the time of the budget, concern was expressed over the likelihood of delivering an envisaged £1.6 million savings from the commissioning of residential care provision over the course of this financial year. Can the Cabinet Member please provide an update on progress with realising these envisaged savings?

**Answer from:**

Councillor Simon Allen

*The 2012/13 £1.6 million savings target against a reduction in the unit cost & number of residential care placements and packages represented one element of an ambitious 3-year programme, which started in 2010, across all care groups to deliver efficiency savings from adult social care purchasing budgets through a combination of: a) achieving below inflation provider fee 'uplifts'; b) negotiating efficiency savings with providers; c) targeted re-procurements; d) ensuring the tight application of the Placement & Packages Policy & Procedure and e) increasing (lower cost) alternatives to high cost placement/packages.*

*In respect of placements and packages for adults with a learning disability, it is anticipated that the £800,000 savings target will be achieved. A number of high-cost packages have been re-negotiated at revised rates. Lower than inflation fee uplifts have also been negotiated with some providers. Savings have also been made from transferring responsibility for out-of-area placements to the appropriate LA/PCT.*

*In respect of the £800,000 savings target for other client groups, primarily older people, including those with dementia; negotiations with providers have resulted in "freezing" rates. However, this has been offset by the impacts of demographic growth and an increasing complexity/acuity of need for these service user groups, which is reflected in the overall cost of meeting that need as people with more complex/acute health and social care needs tend to require higher/ more skilled staffing, which is reflected in the overall unit cost.*

*In the Adult Social Care Financial Plan for 2012/13, these financial pressures arising from demographic change were planned for and recognised with planned mitigation through the application of a proportion of Section 256 funding to these budgets. This is in line with Department of Health guidance on the use of this funding.*

*The adult social care financial forecast for the financial year 2012/13 is currently on target.*

**M 10**

**Question from:**

Councillor Vic Pritchard

The £1.8m committed in the budget to the provision of transit gypsy and traveller sites has not yet been called upon, or likely to be in this financial year. Recognising the difficulties in establishing authorised gypsy and traveller sites and the budgetary constraints facing the Council, does the Cabinet Member believe it necessary to commit such a significant sum in the forthcoming Council budget?

**Answer from:**

Councillors Tim Ball and Simon Allen

Yes

**Supplementary Question:**

£1.8M is a large sum. You say you are prepared to commit that again, in next year's budget. But the affordable housing waiting list has grown from 9,000 to 12,000. Will he not agree to allocate some of it to affordable housing? Has any of the £1.8M been committed yet?

**Answer from:**

Councillor Tim Ball

*I will be giving details later this evening on how some of the £1.8M is to be allocated*

## QUESTIONS AND ANSWERS - PUBLIC

**P 01**

**Question from:**

Rae Harris

### **Adoption Draft Neighbourhood Planning Protocol**

What will Walcot Street Trust have to do to become the lead community organisation as regards Neighbourhood Planning for the Walcot Street area, and what help and advice can the Council provide?

#### **Background information:**

I tried to explore this at the PT&E PD&S meeting on 23rd August, and undertook to ask the question more formally at Cabinet. It soon became clear that the Constitution of the charitable company would be the first of many hurdles, and I would therefore like to start the ball rolling with the following quote from the Trust's Mem & Arts:

'The objects of the Charity are (1) to preserve for the benefit of the people of Bath and of the Nation, the historical, architectural, and constructional heritage that may exist in and around Walcot Street in buildings (including any structure or erection, and any part of a building as so defined) of particular beauty or historical, architectural or constructional interest, and to promote the conservation, protection and improvement of the physical and natural environment in the locality, (2) to promote and develop arts, crafts and educational facilities and activities for the benefit of the local and wider community ("the Objects")'

As confirmation of the Trust's local credentials and capabilities, I have lived (and been apolitically active) in the Walcot Street area for over 20 years, and the Trust's Chair - who is fully supportive of this request - is Chief Executive of the YMCA (with exceptional business and community skills and experience to add to his local knowledge). Trustees have also invited Bath Preservation Trust to a meeting in the next few days to outline the Trust's intentions.

**Answer from:**

Councillor Tim Ball

*The Neighbourhood Planning Protocol has been produced to explain exactly how local groups can become involved in neighbourhood planning in Bath & North East Somerset, including how local groups can become a Neighbourhood Forum.*

*As outlined in the Neighbourhood Planning section (chapter 5), any interested party*

would first be encouraged to make contact with the local planning authority to discuss their options and the Neighbourhood Plan process. Should they wish to produce a Neighbourhood Plan, in non-parished areas (i.e. within the City of Bath), the group will first need to apply to the Council to be designated as a Neighbourhood Forum. A B&NES specific Neighbourhood Forum application form is to be published alongside the adopted Neighbourhood Planning Protocol for this purpose. Any applications made will be considered by the Council and a decision will be made whether to accept the application in accordance with the criteria specified in the NPP.

National criteria (as specified in the Localism Act and Neighbourhood Planning Regulations 2012) must be met, in order to qualify for consideration as a Neighbourhood Forum. For example, the prospective Forum must include a minimum of 21 individuals who live and/or work within the proposed area, there must be a formal constitution, the membership of the group must be open etc. Additional local criteria must also be addressed. The applicant must also put the case to the Council as to why they would like to develop a Neighbourhood Plan and outline in brief how this will “promote or improve the social, economic and environmental wellbeing of the area”. Full details of the criteria are included in Figure 11 of the Neighbourhood Planning Protocol (page 35 onwards) and are replicated in the application form.

Once established, the Council has a duty to support Neighbourhood Forums in undertaking Neighbourhood Planning. While the onus is on the Forum to lead the project the Council can provide key support– the exact nature of this assistance is outlined on pages 34-43 and is highlighted in blue text under the titles “Council’s Role” for each stage in a Neighbourhood Plan process. The Council support consists of providing guidance and information as well as playing a formal role in validating the plan and undertaking statutory procedures such as administering and funding the examination and referendum on the Neighbourhood Plan.

National support packages (both financial and in-kind) are also available for Neighbourhood Planning and many local groups in B&NES have successfully accessed these - further information about these additional resources are available on the Council’s dedicated Neighbourhood Planning support page on the web at [www.bathnes.gov.uk/neighbourhoodplanning](http://www.bathnes.gov.uk/neighbourhoodplanning)

Officers within the Planning Policy team would welcome discussion with the Walcot Street Trust on the issue of Neighbourhood Planning and can be contacted by email at [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk) or by phone 01225 477617.

<b>P 02</b>	<b>Question from:</b>	Rae Harris
<p>I am actively involved in trying to make the bus-gate area in Bath more pedestrian-friendly, and would like to ask the following:</p> <ul style="list-style-type: none"> <li>• Do the bus-gate cameras contain useful information on traffic flows, and if they do, how can one access this (and if not, how can they be modified to provide it)?</li> <li>• The area concerned has serious physical constraints, and I am wondering whether the Council-owned Cattle Market site may need to come into play to relieve this, particularly as regards the position of the entrance to the Podium multi-storey car-park. Who in Highways can I discuss this with (and maybe other similar questions, perhaps including the above traffic flows)? And could I also have precise information on the various freehold ownerships and leasehold agreements with the Council that would affect not only any minor changes to the existing entrance and exit to the car-</li> </ul>		



park, but also the possibility of new ones? Or again, who can I talk to about this?	
<b>Answer from:</b>	Councillor Roger Symonds
<p><i>The cameras in use on the bus gates do not capture traffic flows. The cameras require approval by the DfT and cannot be modified to capture traffic flows. The Council uses a combination of automated counters and manual traffic counts to gather flow data.</i></p> <p><i>The Council's Public Realm and Movement Project covers the area in question and the project considers the land use, street scene, user needs and traffic issues. Any proposal to alter the access arrangements for the Podium and amend land use in the vicinity would involve multiple stakeholders.</i></p> <p><i>Any queries relating to traffic flows and highway space layouts should be directed to Adrian Clarke, Transportation Planning Manager.</i></p> <p><i>Any requests for publically information about leaseholds and freeholds of Council owned properties should be directed to Tom McBain, Divisional Director- Property.</i></p>	

<b>P 03</b>	<b>Question from:</b>	Ian Barclay
<p>Under the MoD Concept Statement Public Consultation, on May 28 I submitted a comment concerning the retention of one Admiralty/MoD Building (at Foxhill) which would, inter alia, "Tell the Story of the Admiralty/MoD in Bath from its evacuation from London in 1939 until the closure of the three sites." This Story to be told in situ. The retained building could be adapted for Community use as, eg, a Local Library, Meeting Room or similar.</p> <p>My submission also put forward the safeguarding of Hanginglands Lane, adjacent to the western Site boundary, as an ancient route and boundary.</p> <p>These proposals were acknowledged on 7 August but were not regarded as "key issues" in the MoD Concept Statement paper to Cabinet on 11 July 2012.</p> <p>Will the Council's Final MoD Concept Statement contain any reference to the historic significance of the Admiralty/MoD presence in Bath for over 70 years, to the retaining of one of the historic hutments (at Foxhill) and to safeguarding Hanginglands Lane?</p>		
<b>Answer from:</b>		Councillor Tim Ball
<p><i>1. Hanginglands Lane (or Pope's Walk as it is sometimes referred to) is already mentioned and safeguarded in the Concept Statements as an important historic route into the city.</i></p> <p><i>2. The retention of an existing hutment to tell the story of the MoD on the site needs to be balanced against any potential conflict with the delivery of other elements within the Concept Statement and hence cannot be recommended, however there are benefits to this objective and Officers will seek to negotiate a legacy to the MoD's presence in Bath once more detailed discussions with developers take place.</i></p>		

<b>P 04</b>	<b>Question from:</b>	Simon Whittle
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With respect to the Gypsies, Traveller's and Travelling Showpeople DPD, could you please confirm whether you will be updating the Scoring Matrix to correct errors highlighted during the consultation process?

Although Council Officers have recommended that an alternative approach should be followed (an item for consideration during the 12-Sep Cabinet Meeting), at previous Cabinet Meetings, Scrutiny Panel Meetings and at the Special Council Meeting, Cabinet members were adamant that the process should be followed through and completed prior to review at the 12-Sept Cabinet Meeting. If this is the case, then surely the current scoring matrix, which will form part of the public record, should be as accurate as possible?

With respect to Site GT2 (Old Colliery, Stanton Wick), my comments on errors were submitted to Mr Trigwell and copied to Cllr. Ball on 27-Aug and although the letter was acknowledged by Cllr Ball, no formal response has been received by Mr Trigwell or Cllr. Ball. Allowing for these corrections the Old Colliery site would not have a sum of scores of 10 as concluded in the Preferred Options Report, but a score of -7.

**Answer from:**

Councillor Tim Ball

*In the Cabinet report to be considered by Cabinet on the 12th September it sets out that the work on the Gypsy & Travellers work should continue and the stock take described in the report is underway. The site selection process is being reviewed because it is acknowledged that the previous methodology resulted in some confusion. Instead of the scoring matrix, the proposed approach will be more analytical and discursive in nature and will assess sites against identified criteria, drawing from national and local planning policy. Because the matrix is being discontinued, it would be inappropriate and confusing to update and re-publish it.*

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## **Save Our 6-7 Buses Campaign - Statement to B&NES Cabinet – 12th Sept, 2012**

I am here representing the Save Our 6/7 Buses Campaign because we hear you are considering cuts to bus services, including the subsidy that maintains the 30 min frequency on our routes.

These bus routes serve 10% of the population of Bath and there are a number of very important reasons why they need a decent bus service.

### **Elderly**

- According to a BANES NHS Consultation, our area has the highest number of elderly people in Bath.<sup>1</sup>
- An NHS study predicted that by 2025, Bath's elderly over 85 would increase by 44%.<sup>2</sup>

Only good public transport can keep these people active and living in their own homes, not in care homes.

### **Health**

- The Fairfield Park Health Centre, served only by this bus route, is on a steep hill and serves the whole area including Snow Hill. One of the reasons it was built there was because of the good bus service. When the service was cut to 40 minutes, there was an outcry from patients, and our campaign has been solidly supported by the Health Centre itself.
- South Lansdown, served by this bus route bus, is listed as one of the 10 Bath areas with the most health and disability deprivation.<sup>3</sup>
- Since 2010 BANES has worked to reduce its high level of 'Excess Winter Deaths'<sup>4</sup> and experts suggest these can be precipitated by standing for long periods at windy bus stops.<sup>5</sup> The 40 minute frequency regularly left people standing at bus stops when overcrowded buses passed them by – in bitter weather this could prove life-threatening.

### **Essential services**

- Many people of all ages access not only the Health Centre, but other essential services by bus. A 40 minute frequency proves difficult to remember and this discourages bus use. Since the 30 minute service took effect, ridership has increased and this has been confirmed by a Council survey.

We are one of the founder members of the Bath Bus Users Group and our campaign does recognise the wider context:

- the national government cuts;
- the threat to other bus routes;
- the commercial nature of the transport system

We are also aware of this council's pledge to prioritise greener transport including increased use of public transport

The residents of the area, many of whom are dependent on the 6-7 buses, care about their bus service and they are showing this by the increased bus use. However, they are not responsible for the wider problems and are relying on the council to live up to their ideals by ensuring the 30 min frequency is maintained.

Through our campaign they are expressing their views clearly and strongly - as voters they are informed and responsive. During the 2011 election, our campaign was supported by all political parties and resulted in the modest subsidy to ensure a 30 min frequency – it was the right decision then & it remains the right decision now.

The residents of our area are looking to you for assurance that their bus service will be maintained. They want to know where you stand.

Pamela Galloway - for the Save Our 6-7 Buses Campaign

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<sup>1</sup> Bath and North East Somerset Pharmaceutical Needs Assessment Consultation Document, 27 October, 2010, pub. by B&NES and Bath and North East Somerset NHS, chart p.14

<sup>2</sup> Health Profile of Older People Living in Bath and North East Somerset , Bath & North East Somerset PCT & Bath and North East Somerset Council, Philip Milner, Kieran Morgan , Helen Tapson, Publication Date: June 2008 Review Date: June 2009, p. 7, "In seventeen years time, the over 85s will number around 6,600 in Bath and North East Somerset compared with 4,600 in 2008 – an increase of 44% (Table 2.2)."

<sup>3</sup> Op cit, P. 10

<sup>4</sup> Thursday, January 13, 2011, Bath Chronicle

<sup>5</sup> Excess Winter Deaths, Review of the Evidence. Produced by Sarah Kinsella, NHS Wirral Performance & Public Health Intelligence Team, 2009, H:\WPWIN\PHIT\Reports\Evidence Briefings\Excess Winter Deaths\Excess Winter Deaths Review 2.doc

George Bailey

**STATEMENT TO CABINET 12<sup>th</sup> SEPTEMBER 2012**  
**Re: Frome – Radstock Branch**

Firstly, my apologies for not attending the meeting yesterday: I hope I did not miss critical information.

I am pleased to say that Counsellor Roger Symonds met us (Mike Boulton from the Radstock Action Group and Daniel Casey of South West Transport Network) on the 30<sup>th</sup> August to listen to our comments about the Halcrow Report.

During the meeting he expressed scepticism about some the costs stated and would follow-up with Halcrow.

Afterwards, he stated that he understood our objectives much better and that we needed the support of local people. Since the project appears to be well-supported by local people and those on the corridor to Frome, I assume that he meant the local political groups. Therefore, I am contacting Parishes along the route, Mendip D.C. and ultimately Somerset County Council.

Another organisation which is already aware of the situation is of course the West of England Partnership. We also hope that the governing body of the City Deal will be included. *when it is formed.*

Thank you

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## Bathwick St/Powlett Road Cycle Track

As local residents we have been deeply concerned over proposals to re-classify the passageway from Bathwick Street to Powlett Road to a shared cycle route. B+NES confirmed that the passageway itself does not legally belong to anyone.

We are concerned that the passageway, which is now in a very patched and degraded state is bound on both sides, and not wide enough to accommodate cyclists and pedestrians safely. It is **not the minimum of 3m wide all along, as is legally required. No-one can tell us how many cyclists would use the proposed route.**

A solicitor we consulted said that if the number of cyclists increased, then the possibility of collisions would correspondingly increase. He was also concerned about the white gate used by residents of Powlett Court which opens directly onto the passageway. A police officer commented, 'an accident waiting to happen'

A large dark green telephone distribution box suddenly appeared within the last few months at the Bathwick Street end of the passageway (1200mm across/1524mm high/432mm wide). **It protrudes from the wall approx 625 mm, into the passageway.** This was not in place when the Health + Safety report was undertaken by B+NES on 16 January 2012.

Their report identified the hazards of cyclists entering traffic in Bathwick Street too quickly, and in Powlett Road being unaware that it is for one-way traffic only, when they emerge from the passageway, as well three more potential hazards.

Cllr Tim Warren echoed our concerns in *Bath Chronicle* article of 2 February 2012. The Bathwick Estate survey revealed that **32** supported the scheme, and **52** opposed it.

Footfall data taken at different times reveals that a lot of pedestrians, many of them elderly and some infirm, or mothers with young children frequently use this busy route, with a pedestrian passing almost **every 2 minutes**. Elderly residents at Powlett Court have reported '*near misses*' on several occasions with cyclists rushing past, no bells or verbal warnings, startling them, and leaving them fearing for their safety.

2

For us to be safe and for cyclists to be legal they should adhere to the red circle 'no cycling' signs prominently displayed at each end of the passageway, and walk the **one minute only length** of the passageway.

It is purely a question of keeping to the law and being considerate of the welfare of vulnerable pedestrians.

In *Bristol Evening Post* (14 August 2012) a front-page article highlighted the launch of **Bristol Older Peoples Forum** by Mrs Ruth Bailey, which calls for '*more work to be done to protect pedestrians from cyclists who illegally use the pavement*'. *Radio Bristol* also covered the subject on 3 September.

This is a small, vociferous minority who are clamouring for change.

Surely Councillors are elected to represent the needs of **all** residents, not just one particular group?

We, the pedestrians feel at the bottom of the list, and are at risk of losing our legally protected passageway.





I wish to speak as a member of the Bathwick Estate Residents Association of which I was chairman for many years. My experience also includes being an Inspector for government inquiries into roads and footpaths until I retired in 2000.

Since coming to Bathwick in 1986, my family and I have used the passage-way from Powlett Road to Bathwick Street. In particular, when my grandchildren were small, we would often be 2 adults and three children, together with a push-chair. This was a safe haven for us to Henrietta Park and into Bath, with the pedestrian crossing at the end of the passage way to cross the main road, giving added safety to the route.

We are speaking of a short, narrow lane which has always been protected by a sign prohibiting use by cyclists. A great many elderly people, as well as families with small children, live in the area and should not lose the right to use the route in safety.

I would have no objection to cyclists who feel they need to use this short route, provided that they dismounted and walked with the cycle through the passage way.

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Good evening.

My name is Hugh Dowson. I live at Powlett Court - a block of flats. From my windows, I can see the "proposed Bath Cycle Network shared use footway". I use that footway several times each day.

I'll make 10 points, please.

1. I wish to thank senior engineer Alison Sherwin, Cllr Roger Symonds, the staff at the B&NES One Stop Shop and Col Spring of B&NES for their courtesy in response to my many questions.
2. I'm delighted to live in a City where cycling is encouraged. In my youth, I was an enthusiastic cyclist. Let cycling, and safety, thrive - say I!
3. I turn, now, to the safety audit conducted between 23 November 2011 and 16 January by the Design and Projects Group of B&NES Council. Why, may I ask, wasn't that report among the documents available at the One Stop Shop during the consultation period?
4. My visit to the One Stop Shop was just before the end of the June 2012 consultation. It wasn't until **after** that that I first became aware of that audit or the report on it. When I asked Alison Sherwin why that report hadn't been available at the One Stop Shop she told me that she had (and I do not doubt it) "made the required documents for the Cycle Track Order available at the One Stop Shop". Next time there is a consultation, will things be done differently, please? Col Spring has told me that his enquiries (and here I quote) "have determined that the document was posted as Appendix 4 to a Single-Member report [...] in the Weekly List on 9 March 2012 for decision by Cllr Roger Symonds." I use the internet a lot, but had failed to find that report.
5. The Audit Team Members were two senior engineers for B&NES. Their audit included both:
  - "an examination of the drawings relating to the scheme supplied by the design office"; and
  - a visit to the site (and I quote from their report) "between 1200hrs and 1300hrs on Wednesday 23 November 2011. The weather was fine, mild and dry. The site audited included the footway which runs between Powlett Road and Bathwick Street and the footway at either end to which it links. At the time of the visit only a couple of pedestrians were seen using the footway, no cyclists were observed either mounted or pushing their machine."
6. So the audit team visited the site just once. They saw five problems and, on those 5, they note, "All of the problems described in this report are considered by the Audit Team to require action in order to improve the safety of the scheme and minimise accident occurrence." Please see their point 1.6.
7. I invite Councillors to satisfy themselves, and the public, that those 5 problems will be addressed, including the risk of -- potentially life threatening -- accidents at the Bathwick Street / cycletrack junction. On that, I refer you to the Audit Report's Problem 2.4 (on its page 3).
8. I've seen people dismount and push their cycles along the footway in question. Others cycle along it - illegally. Even so, most of those cyclists that I've seen there, cycle considerately. On Sunday 27 May 2012, however, I saw from my window at Powlett Court a male and a female --both in their late 20s-- cycle from Powlett Road into the footway and set off pell-mell towards Bathwick Street. I was astonished! Last year, when I stopped in the footway to look for something in my pocket, I was fortunate not to be hit by someone cycling directly towards me, fast, in that footway. If that cyclist hadn't looked up, I doubt that I'd have had time to leap out of his way. The consequences might have been serious. Fortunately for me and for him, he did look up, saw me, and swerved to avoid me before I had time to call out. I wasn't, at 63 years of age, upset. If I reach 73, I might have a very different reaction to such an incident. Other people, I know, have felt intimidated by people cycling on this passageway.
9. Senior engineer Alison Sherman told me by e-mail on 18 July this year that it "is the intention that improvements will be made to the path, for example, signage to make pedestrians and cyclists aware of all users".
10. There will need to be more than that. The present signs have long been ignored. If this scheme goes ahead, there will be some intimidation, rather more courtesy than intimidation, and there will, I'm fairly sure, be accidents that might have been avoided had the present status quo remained.

Thank you.

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BANES Cabinet Meeting

12<sup>th</sup> September 2012

Good evening Councillors

Thank you for your time to hear me.

I represent the Governing Body of Combe Down Primary School, I'm also a local resident who lives half way between Combe Down and Foxhill and I'm passionate about community cohesiveness.

You will no doubt have seen from the consultation feedback on the draft concept statements that the issue about primary years' education provision resulting from the new development is an issue of great importance to the community.

The proposal put forward by the 280+ who signed our petition and numerous individuals who completed the consultation documents showed an overwhelming public support for a new 3 form entry junior school on the new development and conversion of CDPS into a 3 form entry infant school.

The benefits of this option over the draft concept statement's proposal for a new single form entry primary school on the new site are significant:

Firstly, it would solve the current infrastructure problems that exist at CDPS. It is BANES' most densely populated primary school. There is no grass playing space, much of the site is an old quarry edge and unusable for play. It has 100 year old buildings that are not only falling down but are poor teaching environments, plus it has 40 year old temporary buildings that are life expired. The Government's push for all junior school children to play competitive sport is certainly hard to achieve.

Our proposal for a new junior section of the school on the new site would provide much needed greenfield space for the older children to enjoy. Opportunities for sharing a playing field with Combe Down Rugby Club could ensure that the additional land take costs are offset.

Under this option, the extra space that would be released at the existing site would mean that the buildings that need to be demolished could be, without having to rebuild them, saving the local authority significant amounts of money in the near future. The extra space would provide infants with a much more reasonable playground space and also facilitate much needed pre- and after-school provision.

The second major benefit of our proposal is that it would protect the cohesiveness of communities in Foxhill and Combe Down. A new primary school would have the serious potential to divide the community – as the natural tendency would be for people to want to send their children to a brand new school complete with modern buildings and a fabulous playing field while others would be left with a far older school with twice the population and half the physical space. Which would you choose?

We do not believe that the third option, combining both schools onto a single new site, is the right solution either. It would have a significant adverse affect on Combe Down village shops as the current school provides such an important flow of people and therefore revenue. In addition, building new houses on the existing site would not be economically wise as several of the buildings at Combe Down Primary are relatively new.

Although I understand that the option for a single split site school is still within the Concept Statements for the developer to consider, I believe that primary education provision is a **strategic** decision that the Local Authority needs to make.

I can't believe that any profit driven developer is best placed to decide what infrastructure should be provided to benefit the wider community. His aim surely will be to maximise profitable development on the site he has bought? The time to make this decision is now, before the concept statements are finalised and before the land is bought from the MOD, so that the land prices can reflect the infrastructure needs of the whole community and not just the new development.

With a move to reduce management costs for schools, the proposal for a new stand-alone single form entry primary school with a second headteacher, senior management team and governing body not much more than half a kilometre from an existing one, is at odds with efficient primary education provision.

I therefore put it to you, and hopefully have demonstrated that the popular opinion from residents is also the solution that will hold the community together. A single school, on two sites and under one strong management team, is the best primary years' education arrangement for Combe Down and Foxhill.

Thank you for listening.

## Statement to B&NES Cabinet 12 September 2012 by BATH PRESERVATION TRUST

### Item 13 MOD sites

I am Alan Langton and speak as a Trustee of the Bath Preservation Trust.

The Trust is very pleased to see that several the points made in our consultation response and earlier statement have been taken into account in the redrafts, notably the clear exclusion of the Kingswood/Royal High playing fields from current proposals for the Ensleigh site and the greater emphasis placed on the World Heritage Site and Landscape constraints. Cabinet may recall that I addressed you on these points at your meeting at Radstock and both personally and on behalf of the Trust now thank you for responding positively. At that meeting I also urged the inclusion of student accommodation at Foxhill and I thought then that the point was accepted by Cllr Ball. I apologise if this was not the case but in any event the Trust is sorry to see that as yet there no such specific mention for that site. Self contained clusters of student accommodation of course count towards the authority's overall housing supply figure.

Returning to Ensleigh, we are however concerned that the unchanged housing number of 350 dwellings is over-ambitious, especially as you have now included the necessary addition of small scale retail. With the assistance of Bath University, we have undertaken some detailed massing and density analysis<sup>1</sup> on the previous concept statement, which we have circulated to Cabinet members and ward councillors. This shows that a low rise but high density development (which is both sustainable good practice and necessary to meet the height constraints imposed by the landscape), with the infrastructure requirements referred to in the concept statement, should result in dwelling numbers of nearer 309, or fewer if the Granville Road site is built out at lower density.

It is essential that the housing potential of the site is not overstated or else the sites will be over-valued at sale resulting in a loss of quality and amenity when developed.

We therefore request that the Concept statement for Ensleigh be altered to put a requirement of approximately 309 homes and refer to the need for these to be low rise, but relatively high density, in order for a realistic value to be placed on the land at sale.

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<sup>1</sup> Bath Preservation Trust: MOD Ensleigh Additional Concept Statement Response

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12 September, 2012

Dear Cabinet Members,

**B&NES MOD CONCEPT STATEMENTS  
PUBLIC STATEMENT REGARDING MOD ENSLEIGH  
CABINET MEETING 12 SEPTEMBER, 2012**

In April 2012, Skanska Residential Development UK Limited (Skanska) acquired the freehold of Ensleigh South and has appointed a full design team to prepare a residential led development for high quality residential development (circa 40 units).

Whilst we welcome the overarching objectives the Concept Statement and seek to meet the broad principles through our imminent planning application, we have significant concern that in its current form, the Concept Statement is flawed and in parts too prescriptive which will ultimately delay investment in the site.

We wish to lobby members to defer adopting the Draft Concept Statement for MOD Ensleigh site until a series of concerns within the Statement are tested and resolved. If members endorse the adoption of the Statement at this time, you will significantly undermine the ability to secure the redevelopment of the site in a phased manner and prevent the site from positively contributing towards the Council's 5 Year Housing Land Supply.

Our concerns, as set out below, have been expressed to officers:

▪ **Delivery through a Single Masterplan**

The MOD's Disposal Strategy has divided the site into two distinct plots, with associated delivery programmes of disposal and vacant possession over a number of phases, including the South site already having been sold to Skanska (in advance of publication of the Concept Statement).

This phased strategy prohibits the ability to deliver a holistic approach to the redevelopment and delivery of associated community infrastructure to service the site, in the short term.

As drafted the Concept Statement is predicated on a single planning application across all the land parcels (including the playing fields) which could in reality only be achieved through a single developer/landowner. The commercial reality is a number of developers could deliver this site over a period of time reflective of land interest, vacant possession, market conditions, phasing and infrastructure delivery implications.

Whilst we appreciate a comprehensive approach in appropriate for the north site, Ensleigh South is very different in development terms to the north site, as it can come forward immediately to meet housing delivery requirements and is not restricted by the vacancy programme for the north site. This site should be permitted to come forward independently, following on from the precedent set of development on other sites along Granville Road.

This multiple planning application approach and phased redevelopment is entirely appropriate for a site of this size subject to the ability of each application coming forward to demonstrate how it is consistent with, contributes to the deliver of the site infrastructure and principles of Concept Statement. Without the Council



adopting such an approach to planning, you will sterilise this important previously developed site in the short/medium term.

- **Education**

With the above in mind of allowing development to proceed on the South site, it is important that the education aspirations for a primary school, set out in the Concept Statement, do not hinder development at Ensleigh South.

The Council has not to date presented any evidence to justify the requirement to provide a primary school and contributions to early years provision, play services and youth services as set out in the Statement. Without any robust evidence base to substantiate the need for a primary school Members should seek to defer the adoption of the Concept Statement in its current form.

Based on national standards and advice set out in the Department of Education Guidelines for Local Authorities and Buildings Bulletin 99 (2<sup>nd</sup> Edition) there is no statutory requirement for a 210 place primary school based on the level of housing proposed (i.e. 350 units). Incorporating such a request without exploring all the alternative options, extensions of existing neighbouring schools, smaller intake in school facility (i.e. 105 or 120 space school) etc will jeopardise the ability to deliver much need homes on this important previously development site and positively contribute towards the Authorities overarching 5 Year housing land supply.

We do not believe the necessary and appropriate work has been undertaken, and believe a deferral will allow the Council and landowners to collectively work through these issues and identify a commercially deliverable solution and phased approach to an appropriate level of community infrastructure – which if justified and reasonable, does not stall development at Ensleigh South.

- **EIA development**

The updated Statement states that the Council's consider that an EIA will be required. This statement is premature. There is no evidence of screening, or explanation as to how the Council has arrived at this opinion, in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

In addition, to these fundamental concerns above there are a series of more detailed comments regarding matters such as 'access and movement', 'sustainability' which are considered too prescriptive as currently drafted which have been raised with officers.

In summary, Skanska as one of the combined landowners at Ensleigh has an important role to play in delivering new homes to meet the Council's 5 Year Housing Land Supply on this previously development strategic site. However, it is current form the Concept Statement is unsound and will prohibit a commercially viable, phased approach to redevelopment coming forward in a timely manner with a legal mechanism to deliver the necessary/appropriate associated community infrastructure.

Regards,

*Sebastian Loyn*

**Project Development Manager  
Skanska Residential Development**



**Judith Chubb-Whittle,**

**Chair of Stanton Drew Parish Council**

**SUBMISSION STATEMENT TO CABINET 12<sup>th</sup> SEPTEMBER 2012**

**UNDER ITEM 14**

On behalf of our parishioners, Stanton Drew Parish Council are delighted with the recommendations set out in paragraph 2.1 of The Cabinet papers [E2433], which show that the Cabinet may be listening. However we are deeply unhappy with the inconsistency of statements made by BANES officers in the process so far.

Paragraph 5.5 states over 1000 responses were received, actually over 1600 responses were received, a very different quantity. Nit picking maybe, but taking time & getting the facts right is crucial for the DPD to succeed.

More seriously, submitters were wrongly attributed to sites 14 & 23 on the new sites list.

Why was there a need to publish names when the Council should be aware how much consternation this project has already caused in communities like my own?

Slow down, get the facts right.

Why was an independent ecologist used recently to assess the Stanton Wick site when BaNES has its own eminent county ecologist?

The consultant's report shows inconsistency between the statement made in paragraph 5.16 [of Cabinet papers 12<sup>th</sup> September 2012] and the submission from Avon Wildlife Trust concerning the BRERC records that state;

*'a number of bat species have been cited'* at the Stanton Wick site and in their opinion *'a traveller site would represent inappropriate development as increased lighting will impact their foraging.'* [Planning, Transport & Environmental Development & Scrutiny Panel papers 23<sup>rd</sup> August 2012].

Paragraph 5.17 states unspecified contamination land consultants concluded that GT2 does have potential for the proposed use. Potential, but at an undeliverable price, as Cllr Ball has pointed out, to get rid of the arsenic, asbestos & lead contamination.

**Why has the Council persisted in considering the Stanton Wick site as appropriate, when BANES officers highlighted in February & March 2012 'big issues' concerning ECOLOGY, HIGHWAYS and CONTAMINATION?**

The provision of pitches will enable the Council to access New Homes Bonuses, so why is the Council so dead against allocating a small number of pitches on MoD sites where it would fulfil Paragraph 4 Corporate Objectives *'development of authorised sites should improve the life chances of the travelling community as well as improving community cohesion'*?

As David Trigwell stated at the Scrutiny meeting yesterday, the Council does not want to create isolated communities or use Green Belt for development, so why contemplate a G&T site at Stanton Wick, within the Green Belt? Is this a B2 site?

The Parish Council is concerned that the same mistakes are being made again, which will perpetuate all the problems for the Council & communities that have been experienced in the last 6 months.

My name is Patrick Harrison and I speak on behalf of Chelwood Parish Council.

The council objects to the proposed Traveller site at the old Colliery, Stanton Wick for the following reasons.

1. 20 pitches ( the number the council suggest) would almost double the population of Stanton Wick
2. The highway access is deemed by BANES to be inadequate as the highways department has objected to further development on an adjacent site.
3. There is no public transport or pavements within 1 Km of the site.
4. The water supply which Chelwood shares with Stanton Wick is barely adequate for normal use and totally inadequate in case of fire as shown in 2 instances in the last few years when the fire brigade had to haul water from other villages.
5. There is no mains drainage within 1Km and the site is unsuitable for septic tanks and soakaways
6. This is inappropriate development in the Green Belt- would the council allow an estate of 20 houses on the site?

These points are contrary to Local Plan HG 16 (i) (ii) (iii) (iv) and (v)

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My name is Mary Walsh I am joint chair with Jill Britten of Whitchurch Village Action Group we have been active for five years and our aim is to safe guard the Green Belt.

The Council and Planners knew that the parcel of land 7100 Woollard Lane was a Greenfield in the Green Belt but failed to score correctly on the original proposed list of traveller and gypsy sites. The site was referred to as a Brownfield site . The outcome was that when the list of 23 was slimmed to 6 Whitchurch was included although this huge error was brought to the attention of all concerned from the Chief Executive to the planning officers by letter emails and in conversations. The next stage seemed even more blatant was a press release issued by the Liberal Democrats that from the list of 6 sites Stanton Wick, Radstock and Keynsham sites would be removed. Whitchurch was still included as there were only a few reasons against site. The people of Whitchurch had sent over 300 letters but these counted as very little. The fact that the site was included due to gross negligence stood for nothing. The site must be removed from all proposed Traveller and gypsy sites lists without delay to avoid legal action.

The road show which gave local residents information about proposed sites came to Whitchurch but it was an afterthought we did not appear on the first list with Stanton Wick Keynsham Radstock etc. I rang the planning office and the local councillor to ask why Whitchurch had not been given a date to show the residents .I am sure the staff will remember my annoyance it took several weeks but they rushed a show only days before the dead line for objections. So Whitchurch was let down again by the people who should give information to the public.

Is B&NES council sending out this message “Buy a field in the Green Belt put a caravan in the corner?” Apply for planning permission stating concrete standing so call it brownfield site the outcome will take years before even the threat of removal is issued. Then the Appeal system takes over. Even if the Inspector over rules the appeal. The orders will not be carried out .Now I ask why rate payers’ money is being used to employ educated trained staff that are not carrying out procedures do they need more direction? I am reminded of this when I ask questions and am constantly told “Not correct procedure”. Perhaps I do not understand how the system should work please tell me as we may be wasting time and money. We must protect the Green Belt and get fair play for the people of Whitchurch.

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**WHITCHURCH VILLAGE ACTION GROUP**

THIS SELECTION PROCESS FOR GYPSY SITES SHOULD BE HALTED AS IT HAS PROVEN TO BE SERIOUSLY FLAWED IN MANY CASES INCLUDING PARCEL 7100 AT WOOLLARD LANE, WHITCHURCH VILLAGE. OFFICERS HAVE FINALLY ADMITTED THEIR ERROR IN DESIGNATING THIS SITE AS BROWNFIELD WHEN IT IS GREENFIELD AND THIS DISADVANTAGED THE SELECTION PROCESS RIGHT FROM THE START. FURTHERMORE THE SITE IS NEAR THE HAZARD OF A HIGH PRESSURE GAS MAIN, A CRITERIA THIS SITE FAILS ON THE COUNCILS SCORING SYSTEM. OFFICERS REFUSE TO REPLY TO OUR LETTERS ADDRESSING THE IMPLICATION OF THIS HAZARD. THE SITES ON THE PREFERRED OPTION LIST CANNOT BE FAIRLY COMPARED TO THE 17 OF THE BEST 23 SITES ORIGINALLY CONSIDERED OR POSSIBLY 20 OF THE BEST 23 SITES ORIGINALLY CONSIDERED IF THREE MORE SITES ARE DROPPED TODAY. IF THE COUNCIL DECIDE TO CREATE A NEW SCORING SYSTEM THAT MAKES FOR FURTHER DISPUTE AS THE ORIGINAL SCORING SYSTEM WAS UNSOUND.

THE HISTORY OF THIS SITE MUST BE REVISITED FOR IT IS DOUBTFUL THAT THE COUNCIL HAS GONE THROUGH THE PROPER PROCEDURES TO REMOVE THE AREA FROM THE GREEN BELT WHEN INVITING THE OCCUPANTS AT THE ILLEGAL SITE IN 2010 TO APPLY FOR RETROSPECTIVE PLANNING DESPITE INSPECTORS TWICE REFUSING PLANNING PERMISSION AT THIS SITE STATING HERE AND AT QUEEN CHARLTON THAT THERE ARE NO VERY SPECIAL CIRCUMSTANCES OUTWEIGHTING PUBLIC INTEREST.

AS YOU SEE THERE ARE CLEAR GROUNDS FOR JUDICIAL REVIEW ON THE PARCEL 7100 SITE AND OTHERS.

I WOULD FURTHER LIKE TO DRAW YOUR ATTENTION TO THE WAY RATE PAYERS MONEY IS BEING SPENT OR SHOULD I SAY MISSPENT WITH REGARD TO THE ILLEGAL GYPSY SITE AT LAND ADJACENT TO THE POPLARS, REDLYNCH LANE, QUEEN CHARLTON. THIS COUNCIL DECIDED TO REFUSE PLANNING PERMISSION AND THE APPLICANT APPEALED AS RECENTLY AS SEPT. 2010 (FOR REF. APPEAL REF: APP/F0114/A/10/2127069). THIS COUNCIL SPENT MUCH TIME AND MONEY UPHOLDING THEIR REFUSAL DECISION AND THE INSPECTOR CONCURRED. THE INSPECTOR MADE DETAILED REFERENCE TO HEALTH ISSUES AND CONCLUDED THAT "MATERIAL CONSIDERATIONS IN FAVOUR OF THE PROPOSAL, EVEN WHEN ADDED TOGETHER, WOULD NOT CLEARLY OUTWEIGH THE SUBSTANTIAL HARM WHICH THE PROPOSAL WOULD CAUSE" AND THAT HUMAN RIGHTS WERE NOT VIOLATED AS "THE PROTECTION OF THE PUBLIC INTEREST CANNOT BE ACHIEVED BY MEANS THAT ARE LESS INTERFERING WITH THE APPELLANT'S RIGHTS". THE APPEAL WAS REFUSED. I REPEAT – THE APPEAL WAS REFUSED.

I NOW ASK, AFTER SPENDING RATEPAYERS MONEY TO STOP THIS GYPSY SITE WHY IT IS NOW BEING OFFERED UP ON THE PREFERRED OPTIONS SITES LIST?

I CONCLUDE BY REMINDING COUNCIL THAT BOTH COUNCILLORS AND OFFICERS MUST ACT WITHIN THEIR REMIT AND ARE ACCOUNTABLE TO RATEPAYERS.

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Thankyou for the opportunity to speak again on behalf of the residents of the Stanton Wick, Stanton Drew and Pensford areas. In this statement I will focus on the fundamental flaws in the process of site selection and analysis and crucially emphasise that many of these were known before or during 9<sup>th</sup> May. I submit that the local community, when belatedly asked, has engaged, has made representations and has asked questions many of which remain notably unanswered.

1. There was a shameful lack of consultation with the settled community at an early stage whereas consultation with of Gypsy Traveller representatives on specific sites commenced in February 2012.
2. There were multiple errors in the documentation and in particular the Detailed Assessment tables; the impact on Pensford Conservation Area and the limited local services were omitted.
3. The selection criteria matrix was spectacularly mis-scored
4. There was no debate on 9<sup>th</sup> May in cabinet. It seemed that decisions were entirely predetermined.
5. The council failed to consider the following:
  - 5.1. it failed to apply or give reasons for not applying policy contained in National Planning Policy March 2012 in breach of its statutory duty. In particular the Detailed Site Assessment Report and Sustainability Appraisal Report have failed to consider or apply national policies on promoting co-existence, avoiding undue pressure on local infrastructure and avoiding domination of the settled community. The subsequent 'stock take' proposal response in July 2012 openly concedes that national policy when proposing preferred options in May was ignored.
  - 5.2. it failed its own policies with the proposal to put the majority of permanent pitches on a contaminated former mining site in the middle of countryside distant from essential services.
  - 5.3. it failed to give due weight to protection of the Green Belt. If in its view very special circumstances apply then it has failed to give any justification or proper analysis of these.
  - 5.4. it failed to give due consideration to other reasonable sites ( for example some currently tolerated traveller sites, MOD sites)
  - 5.5. failed to halt the process in the face of clear evidence of its flaws and replace it with a robust process
  - 5.6. failed to consider an Updated Needs Assessment with neighbouring authorities as required by Coalition government reforms
  - 5.7. failed to consider comments from other statutory ecology bodies such as Environment Agency and English Heritage and failed to consider the requirements of Conservation of Habitats and Species Regulations
  - 5.8. failed to consider the costs involved in developing the site, Cllr Ball has rather belatedly stated £3.6 million but it could be more
  - 5.9. failed to consider fully the ecological impacts and effects on historic assets
6. It is our contention that the Council did
  - 6.1. act completely irrationally by adopting selection criteria that then shortlisted sites that performed badly against the criteria. It is simply incredulous that a site scoring 17<sup>th</sup> appeared in the shortlist of 7. It would seem the site was

selected for other reasons none of which were apparent but just may include political convenience.

6.2. refuse to reconsider sites that were rejected on 9<sup>th</sup> may even though the sites performed far better than the Stanton Wick site

In May we received pointed criticism that we were self appointed experts. I am not an expert. I am a local resident of the area who cares for my community and believes this has been a poorly managed, unfair, unjust and barely credible process. In the relentless pursuit of a flawed process despite adverse comment from many quarters the council has committed a litany of errors, has acquitted itself poorly and deservedly attracted huge criticism.

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Jennie Jones

My name is Jennie Jones, I am a member of Stanton Wick Action Group.

I cannot understate the stressful and damaging process that has brought us to this point today.

You recorded at your meeting on 9<sup>th</sup> May that the group delivered 8 statements, each covering separate aspects of your process and your assessment of the site at Stanton Wick. These statements were comprehensive and provided advice to the Cabinet, pointing out the obvious errors in the process.

We urged the Cabinet to remove the Site from its list of preferred sites and to urgently amend its proposals.

The Cabinet Members responses were, evasive, patronising and in one particular instance, offensive. These responses showed that this most important issue has become immersed in emotion, race equality and political positioning.

We have taken every opportunity available to both question and advise officers and members. There have been 2 Scrutiny Panel Meetings, a further Cabinet meeting and a Special Meeting of the Council. None of the outcomes from these meetings have given us cause to consider that BaNES is listening or indeed has improved its administration of this process.

In addition we and the local communities have attended consultation meetings, provided over 1,000 responses, a petition of over 1,300 signatures and an e- petition of 471 signatures. The settled communities have told BaNES loud and clear, that they have failed in their administration of this process and in their selection of Stanton Wick as one of their Preferred Sites.

To say that these BaNES citizens who rely on its elected members for fair, open and competent local government are dismayed is an understatement. They have been exposed to the chaotic world that is BaNES planning office, which appears to have de-motivated officers who are in some cases, emotionally attached to what clearly requires an unemotional, unbiased and fair output. This performance is not good enough.

You are all aware of the many instances where we have had cause to complain regarding the misleading information published by BaNES, all of which we have recorded, two examples are;

- The incorrect advice that stopping the DPD process and re-starting afresh would have a seriously damaging effect of the progress of your Core Strategy Plan. This is not true and

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) – Statement by Jennie Jones

- The confusing and misleading Press Statements issued by your Lib Dem press office and BaNES that three sites would be removed from the list of Preferred Sites at this meeting.

We hope that the Cabinet will now stop this chaotic and flawed process and ensure that officers set out fully considered, open, fair and efficient process of allocating sites and that you learn by past errors and ensure that your communication and consultation with settled communities is both professional and sensitive.

We hope that you will ensure that all the government guidelines are fully incorporated into your criteria.

We hope that you will ensure that your new assessment criteria is incapable of manipulation and not dependent on interpretation.

We hope that you will not continue to rush but will find a pace that works for the best outcome, will refuse to allow the reference to race or deprivation to be used in defence of your actions or response to criticism and will stop, once and for all any reference to the failings or policies of the previous administration.

We hope that we can say, BaNES listened and they were not afraid to admit their mistakes – and that they put it right.

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) – Statement by Sue Osborne

My name is Sue Osborne and I make this statement on behalf of myself and on behalf of the Stanton Wick Action Group.

I refer to the officer's report for this meeting and set out the errors. I refer to the numbering within the report;

2.1. Cabinet are asked to note a "stock take" which has commenced. There is no reference to the Cabinet decision which authorised such action.

A "stock take" is not an appropriate response to the clear demonstration of a deeply flawed process. The Cabinet should stop and re-start.

All sites available within BaNES that can meet public base criteria should be taken forward for evaluation, irrespective of the unlawful Decision 7.

3.4. Contrary to advice given, deliverability on a financial basis is fundamental and should be considered at an early stage not at Draft Plan stage. What is the point of consulting on a site that is not deliverable?

The Detailed Site Assessment Report - April 2012- 2.8 says 'suitability , availability and achievability were assessed to determine whether sites should be identified as preferred options for allocation. 2.12 says ' to assess achievability all known constraints were identified to draw out site delivery costs such as infrastructure and remediation works'

So ..... which is it? The site **has been** assessed for achievability, **or it won't be assessed** until draft plan stage?

4.1. We refer you to these words and ask that you ensure your outcomes meet these criteria, promoting positive lives for everyone, creating neighbourhoods where people are proud to live, improving community cohesion.

5.2. A review of this paragraph will clearly underline why a stop of the process is necessary.

5.3. The Scoring Matrix did not result in confusion; it resulted in questions surrounding its inconsistent application. Or was there predetermination to self select a 'large scale site' and thus ' reduce the need to allocate and develop land elsewhere'. This entirely subjective assessment without effective comparison will again prove to be flawed and disruptive.

5.12. We disagree with your officer's submission that the information received on the certain sites was not a "show stopper". There is clear evidence in respect of the Stanton Wick site that it is undeliverable, which we guess in your officer's parlance, stops this particular show?

5.15, 5.16, 5.17, all display a lack of attention and commitment to attend to basic investigation and reporting. After over 4 months, this cannot be acceptable as a reasoned consideration of site restraints.

5.19. The domination of the nearest settled community is entirely contrary to Government Policy. It appears this policy was ignored.

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Sue Osborne

5.20. Your own Detailed Site Assessment Report claims that the achievability exercise was completed to bring forward SW as a Preferred Option.

Why have the following third party comments been omitted from the officers report?

- English Heritage –consider historic and social significance
- Environment Agency – Salters Brook identified as potential site constraint
- Wessex Water – All sites can be connected to water and foul sewerage but at what cost?
- Avon Wildlife Trust – recommendations which are significant and detrimental to the proposals.
- The Gypsy Council – The recommendation for smaller sites (the Stanton Wick site is very large) is not mentioned in the officers report.

These omissions from the officers report which go further to underline the hopeless mess of a process and the complete nonsense of a proposal to consider SW for development.

We hope you will take steps to ensure that this deeply flawed process stops before further damage is done to your settled communities and your reputation.

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) – Statement by Simon Whittle

My name is Simon Whittle and I am a member of the Stanton Wick Action Group. My statement concerns the Officer's report to Cabinet, specifically Section 5.3, which discusses the revised site selection process.

The reason for reviewing the use of the scoring matrix is listed as "confusion". From my discussions with many people in my local area, the "confusion" is not due to the matrix itself, but to the bizarre and inconsistent way it has been used by the Council.

Using a matrix is simple:

- Apply coarse screens at the start, not the end.
- Ensure that all of the relevant parameters are included and appropriately weighted.
- Ensure that the information is correct and that third parties' inputs are taken into account. In this case, the best way would be to work with the relevant Town or Parish Council. **Was this ever considered or can't they be trusted?**
- Publish a discussion clearly explaining the links between the matrix and the recommendations.

A properly implemented matrix is of immense value, but to my amazement, the recommendations in section 5.3 of the report propose that a matrix is not used, and is replaced by a "more analytical and discursive" methodology. Without scores, the process becomes much more subjective. **Could you please explain how an open-ended discussion is more analytical than a carefully-weighted scoring system and not just an easier way to create the desired result?**

It would appear that although the decision to use an alternative process, which if democratic processes are to be followed, should be made tonight after the Cabinet debate, has already been made, since to quote from my correspondence with Mr Trigwell on 07-Sept:

"Use of the site scoring matrix resulted in some public confusion and so will not be used at the next stage. There is therefore little merit in revisiting the scoring".

At the Scrutiny Panel, Cabinet and Special Council Meetings, Councillors Crossley and Ball insisted that the process be followed through until the September Cabinet, but it

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Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Simon Whittle

now appears that part of the process has stopped and a new one has already started.  
**Please reconsider this “decision”?**

The reluctance of the Council to avoid issuing a revised version has contributed to mistrust.

- Errors were pointed out in formal consultation responses, but to my knowledge, the matrix has not been updated. With corrections, the Old Colliery site would not have a sum of scores of 10, but a score of -7, pushing it even further down the list. **Why won't you update the matrix?**
- Some errors, such as the incorrect Green Belt designation for the Whitchurch, were acknowledged in the Cabinet report, but even this significant error required months of lobbying before it was implemented. **Why has it been so hard to correct basic information?**
- Council Officers were aware of many of the “big problems” relating to Stanton Wick prior to the Cabinet Meeting on 09-May-2012, but chose not to highlight them in the matrix. **Was this because it affected the “desired” result?**

The use of additional “screens”, such as World Heritage City designation, once the matrix was completed, made people suspicious that the results were being manipulated to meet predetermined requirements.

In the Sustainability Appraisal Report from April 2012, which recommended the allocation of the Stanton Wick site, there are comments about the benefits of its large size, making it suitable for a large-scale living environment with on-site education, healthcare, business activities and enabling the traditional Gypsy and Traveller way of life. Further input from the Gypsy and Traveller community was recommended, but there was little or no consideration for the needs of the settled community.

So this is why the matrix was ignored? Councillors Crossley and Ball have both commented publicly that the main of attraction of the site has been its size, so had they had predetermined that a large site, well away from Bath, which met half of the needs was ideal, even if it was contrary to planning policy? The fact that it didn't fit with the scoring matrix was a mere irritation, which they hoped no-one would notice.



Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Simon Whittle

**We did notice, and request that you retain the scoring matrix, using the information wisely and openly in selecting preferred sites.**

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Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Karen Abolkheir

My name is Karen Abolkheir and I make this statement on behalf of myself and on behalf of the Stanton Wick Action Group.

Given our extensive experience and professional input I would like to comment on the proposed changes to the selection criteria set out in your officers report. We are very concerned that despite the recent history of consultation and serious flaws exposed in the assessment criteria, the proposals will not improve the performance or correct the flaws.

There is no reason to abandon the use of a scoring matrix, a method of evaluation and comparison which is most appropriate for this use, providing that it is carefully scoped, consistently applied and not ignored within the appraisal process. Our suggestions, if applied with evidence base, will provide a fair and open result. Whilst there is not sufficient time to detail all of the base criteria, the following provides the base structure.

Killer points; Issues that make the development of the site impossible. These need to be set out and fully described in advance of the publication of sites being considered.

Pass Mark – Define and publish the score that all sites must achieve before they will be retained on the evaluation list. This provides a first cull and allows a concentration of resource to fully evaluate remaining sites.

Define all scoring criteria in advance and with full explanation. For example, how the criteria are to be defined in settlement boundary. a food shop; safe walking route; number domination acceptable of nearest settled community,

Set out and publish the scoring and the reasons for scoring (both positive and negative) as follows:

- Sites within the following areas:
  - World Heritage
  - Green Belt
  - Conservation Area
  - ANOB
  - home to Protected species
- Estimated costs of development and delivery (banded and per pitch)
- Deliverability
- Provision of utilities capacity
- Domination of nearest settlement
- Solely affordable provision
- School places within transport or walking distance
- Domination of school community
- Highway constraints
- Score criteria and align to distance from
  - Public Transport

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Karen Abolkheir

- Public Health facilities
- Food Shop
- Proximity to Heritage Assets and capability to protect such assets
- Environmental Impact from use
- Site contamination
- Site safety for use
- Impact on local amenities (capacity)
- Proximity to nearest dwelling and effect of noise

Bands and scoring. Set out a well reasoned wide band scoring process say -10 to 10 which will allow more accurate comparison. For example the proximity to a food shop can have a score which is aligned on the actual distance.

The use of a carefully considered, detailed, balanced and well publicised scoring matrix will greatly benefit this process and will assist the Council in avoiding the inevitable local outrage and possible challenge, which follows the use of assessment and comparison methods that are primarily subjective.

We hope that this Cabinet will learn from the errors of the past and not reject the application of open, objective assessment and comparison.

Thank you.

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Clarke Osborne

My name is Clarke Osborne, I am a member of the Stanton Wick Action Group and make this statement both personally and on their behalf.

I would like to begin by saying that the group and the individuals within it are not racist, have not and will not engage in comments or presumptions regarding Gypsy and Traveller communities and their way of life. We take exception to the referral by officers and members that this could in any way be part of our reasoning in regard to this matter.

We are not politically motivated and have been dismayed at the constant referral, throughout this process to the Conservatives or the Previous Administration. It is not productive and belittles what is a very important process, the outcome of which will have a lasting effect on thousands of lives.

We as a group have, since late April this year spent many hours and a good deal of money in attempting to inform and persuade this Cabinet.

Despite all of our efforts we have arrived at this meeting with report from officers which is lacking in substance, attempts to give excuses for the challenged errors of the past and proposes to further this chaotic and miserable process by badly tinkering with what is fundamentally flawed and without merit.

The proposal to drop the Scoring Matrix is ill conceived and likely motivated by the eagerness not to have decisions and reasoning questioned by the public. You surely realize that this process is, at the end of the day, one of comparison of alternatives. A well considered and accurately used scoring matrix is the accepted tool for this purpose.

Your officers say that the Scoring Matrix was confusing. It was not. It was just badly conceived, incorrectly scored and ignored in the final comparative analysis. Don't blame the system, just the input and management of it.

This report reinforces our assertion that this entire project has been flawed in its strategy, flawed in its delivery, flawed in its evaluation and damaging to the settled communities, the traveller communities and BaNES reputation.

The proposals to adjust the process and have what they call a process "stock take" are entirely without merit. The proposals, far from correcting the errors of the past actually plan to further confuse, cause stress to communities both settled and travelling and continue this chaotic and knee-jerk policy making.

This administration has so far, ignored the detailed and professional arguments put forward at 2 Cabinet meetings, 2 consultation sessions, one unprecedented Special Council meeting, over 1,000 letters and response forms, a petition representing almost 95% of the settled community, a pre-action letter of claim and an application to challenge in Judicial Review and most damning, the recommendations of their own Scrutiny Panel.

Ref Item 14 – Gypsies, Travellers and Travelling Showpeople Site Allocations Development  
Plan Document (DPD) – Statement by Clarke Osborne

You have been disingenuous in justifying your need to continue this process as a link to your Core Strategy and have resolutely turned our representations into a political fight. You will recall the special council meeting where the resolution saying that you had listened to the presentations was printed before the meeting started.

Has BaNES listened? – No

Does BaNES care for its settled rural communities? – No

We ask you to stop this flawed and damaging process now and start again, learning from your mistakes.

To make a mistake is forgivable, to make the same mistake twice is not.

**STATEMENT TO CABINET 12<sup>TH</sup> SEPTEMBER 2012**

**MY NAME IS PHIL TOWNSHEND, A RESIDENT OF STANTON WICK AND A MEMBER OF THE STANTON WICK ACTION GROUP.**

**MY STATEMENT THIS EVENING IS TO GIVE YOU 3 REASONS AS TO WHY MY PARTNER AND I, IN ASSOCIATION WITH THE STANTON WICK ACTION GROUP, FELT COMPELLED TO SIGN THE LETTER OF ENGAGEMENT AS PART OF THE PROCESS WHEN APPLYING FOR JUDICIAL REVIEW PROCEEDINGS**

**REGRETTABLY TIME DOESN'T ALLOW ME TO GIVE MORE REASONS BUT IN A NUTSHELL, WE DON'T TRUST YOU BaNES TO CONCLUDE THIS FLAWED SITE SELECTION PROCESS OBJECTIVELY OR IMPARTIALLY.**

- 1) YOUR SCORING MATRIX, THE CORNERSTONE OF THE WHOLE PROCESS, MARKED THE OLD COLLIERY BUILDINGS, STANTON WICK 17<sup>th</sup> OUT OF 23 SITES, YET WE FIND OURSELVES ON A SHORTLIST OF 6 "PREFERRED" SITES.**

**"PREFERRED" ..... THE OXFORD DICTIONARY DEFINES THIS AS "BETTER THAN ANOTHER OR OTHERS", SO BY DEFINITION, YOUR SCORING MATRIX SAYS THAT THERE ARE 16 BETTER OR MORE SUITABLE SITES THAN STANTON WICK.**

**SO HOW CAN WE BE PREFERRED AND TO WHOM?**

**TO AN OUTSIDER IT WOULD SEEM TO BE A MANIPULATION OF THE RESULT TO MEET OTHER OBJECTIVES.**

- 2) THERE IS AN INCONSISTENCY AS TO THE USE (OR NOT) OF GREENBELT WITHIN BaNES.**

**THE EXISTING PLANNING CONSENT FOR THE OLD COLLIERY BUILDINGS, STANTON WICK (THE PROPOSED GYPSY AND TRAVELLER SITE) ALLOWS FOR ONLY 1 RESIDENTIAL DWELLING, 2 RESIDENTIAL DWELLINGS WAS CONSIDERED TO BE INAPPROPRIATE DEVELOPMENT OF GREENBELT AND BY DEFINITION, HARMFUL TO THE GREENBELT.**

**BY PUTTING THIS SITE FORWARD AS A PREFERRED OPTION, BaNES IMPLY THAT A 20 PITCH GYPSY AND TRAVELLER SITE IS APPROPRIATE DEVELOPMENT DESPITE RECENTLY ISSUED CENTRAL GOVERNMENT GUIDELINES STATING THE EXACT OPPOSITE.**

**WHEN CHALLENGED ON THIS AT THE PENSFORD CONSULTATION DAY, ONE OF YOUR OFFICERS MERELY SHRUGGED SHOULDERS**



**WHEN ASKED WHAT WOULD CONSTITUTE VERY SPECIAL CIRCUMSTANCES IN THIS CASE.**

**SO MUCH FOR OPENESS AND TRANSPARENCY.**

- 3) I HAVE IN MY POSSESSION A LETTER WHICH MAKES CLEAR, THAT CONTACT WITH BaNES AND REPRESENTATIVES OF THE GYPSY AND TRAVELLERS TOOK PLACE WITH REGARD THE STANTON WICK SITE WELL BEFORE THE PUBLICATION OF THE PREFERRED OPTIONS. IN ADDITION I HAVE ANOTHER LETTER, WHICH STATES CLEARLY THAT AT LEAST ONE MEETING TOOK PLACE ONSITE BETWEEN BaNES AND GYPSY AND TRAVELLER REPRESENTATIVES, 2-3 MONTHS BEFORE THE PUBLICATION OF THE LIST.**

**WHEN CHALLENGED ON THIS POINT COUNCILLERS BALL AND CROSSLEY DENIED ANY KNOWLEDGE OF ANY SUCH MEETINGS TAKING PLACE.**

**DISINGENUOUS YOU COULD ARGUE, INCOMPETENT YOU COULD ARGUE.**

**BUT EITHER WAY IT IS CLEAR THAT REPRESENTATIVES OF THE GYPSY AND TRAVELLERS WERE CONSULTED WELL BEFORE ANY ENGAGEMENT WITH THE COMMUNITIES OF STANTON WICK, PENSFORD AND STANTON DREW AND STRONGLY SUGGESTS THAT THE PRESENCE OF STANTON WICK ON THE PREFERRED OPTIONS LIST WAS PREDETERMINED.**

**REMEMBER, 17<sup>th</sup> OUT OF 23 AND THEN WITHOUT EXPLANATION OR JUSTIFICATION, 6<sup>th</sup>.**

**AT THIS POINT WE REALISED THAT FURTHER ENGAGEMENT WITHOUT LEGAL ADVICE WAS FUTILE.**



**BaNES, IN OUR OPINION, YOUR SITE SELECTION PROCESS HAS BEEN  
FLAWED AND CHAOTIC FROM START TO FINISH. IT LACKS  
INTEGRITY AND HAS BEEN FAR FROM IMPARTIAL.**

**THE OLD COLLIERY BUILDINGS, STANTON WICK, AS A GYPSY AND  
TRAVELLER SITE IS UNSUITABLE, UNSUSTAINABLE AND  
UNDELIVERABLE AND UNLESS IT'S WITHDRAWN FROM YOUR  
PREFERRED OPTIONS WE WILL ALLOW THE LAW TO TAKE ITS  
COURSE.**

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## **BORAG**

Transcript of a presentation to be made by Ken Sutton representing The Bath Old Road Action Group to the BANES Cabinet meeting on agenda item 14, Gypsies Travellers and Travelling Showpeople sites, at the meeting of 12<sup>th</sup> September 2012

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Cabinet members, the history of the proposal that a permanent travellers pitch be established on the canteen site at Bath Old Road, Radstock, is well rehearsed and I do not intend to cover old ground that should be well known to you. My objective this evening is to emphasise why you should remove the site from further consideration.

There are many arguments against the site. I will re-present some of them for you:

### **Conservation Area:**

The proposed site is in a conservation area. Guidance states that sites should not be within 1 1/2 miles of a conservation area.

### **Traffic problems:**

Before consultation BANES own team leader for Highway Development Control advised that the roads were already very difficult. Present residential parking already causes unavoidable traffic problems, changes necessary to accommodate a travellers site would change the road from difficult to dangerous.

### **Local amenity:**

This requirement is accepted as being unable to be fully protected by screening, including the amenity of the travellers, they would be overlooked on a continuous basis. Even attempting screening would cause great harm to this conservation area and would fail to accord with national planning policy requirements.

### **Access:**

Site access is difficult, certainly it can be reached by foot and cycle but it takes determination and hard work because it is at the top of a very steep hill. I live below the site and have walked home on only 3/4

occasions in the past 4 years. Bicycles need to be pushed up. Public Transport is very limited.

**Size:**

The site is narrow, it could not provide vehicles with on-site turning or traveller residents with the amenity space which is described as required to provide them with a comfortable and pleasant domestic environment.

**Education:**

There is a primary school nearby, but it is confirmed by your Childrens Services as oversubscribed and it is more likely to be difficult to obtain a place here than in other areas.

Let me finish with the words of our local councillor and your Cabinet colleague Simon Allen. "I will be objecting on planning reasons. Bath Old Road is already chocker-block with traffic, the area is designated a conservation area and access to the site is limited without reducing car spaces further"

Well said Simon.

For those and many other reasons I ask that you remove the Radstock site from any further consideration.

## **Cllr Eleanor Jackson's address to Cabinet 12 September 2012**

How did it ever get to this – total shambles! More precisely, *omni-shambles*. That is, everything going wrong at once. The development of the Core Strategy is held up in part because of lack of a proper policy on traveller sites, residents are rightly outraged because of planning blight which will last until 2014 at least, and the whole site selection process is being changed half way through. A judicial review is threatened and judging by p268 of the Cabinet papers, the Council has incurred £30,000 in extra expenditure because of the GTTAA needs updating, as a result of the heartless way the previous administration sat on the Oct. 2007 report.

£100,000 may be needed in all.

Meanwhile an estimated 3 Roma families, 37 travelling families and one showground family, all with B&NES connections and many with a legitimate claim on social housing like about 15 families already housed, have no permitted homes, and nowhere to move to if the Council decides to evict them from an unauthorised encampment. \*

I am not in the blame game. I could not possibly adjudicate between Tory indifference, Lib.Dem chaotic muddle with the best of intentions and officers unable to connect with other departments effectively. Yorkshire gumption is the answer – plain common sense demands:

1. Remove all obviously unviable sites from the list. Continuing with them will not persuade the inspector that 'no stone has been left unturned.'
2. Second a planner to the team to prevent further mistakes.
3. Regularise Lower Bristol Road, restrict numbers, charge council tax.
4. Listen to the travellers themselves: they do not want to be parked in large encampments far from shops and schools.
5. Having made appropriate provision for transit pitches, simply bring all other encampments under planning law and ask the same questions about a site what would be asked of any other development.

If proper controls had been applied, the encampment at the Clandown FC ground in 2008 would not have swelled to 150 vehicles with the local Radstock homeless and ex Glastonbury hippies moving in and anti-social behaviour alienating the Clandowners, which makes it hard to propose the site now as an alternative to Bath Old Road school canteen.

You may remember Andy Saxton who spoke to you before. Nobody should lose a house sale and with it a future job because of this Council's mis-directed shambolic policy. So put the resources in, and sort this mess out. Now, not in 2014.

\*Figures from the 2007 Gypsy and Traveller Accommodation Assessment. Summary attached.

## Submission – Cllr Eleanor Jackson

### Gypsy Traveller Accommodation Assessment. Published October 2007.

A product of the 2004 Housing Act whereby the need in each LPA is established. Because of this legislation, B&NES is obliged to identify sites, not just publish criteria. If it fails to do so, and there is a clear need, the Secretary of State can require it to be done.

Therefore the West of England study was conducted to establish the demography of the current situation and future needs in terms of health and education needs etc.

The research was conducted January –June 2007, and the report compiled in October.

Under the Act, ‘Gypsies and travellers’ means:

- a) Persons with a cultural tradition of nomadic life or living in a caravan
- b) Everyone else of nomadic lifestyle, regardless of their ethnicity.
- c) Those who, for personal reasons, have ceased to travel for a while.
- d) Members of a group of travelling show people.

744 individuals were surveyed, half under 18, in 188 interviews using travelling people themselves to conduct the interviews.

67 interviews done in 2006 in S. Gloucs. Served as a kind of pilot, with the questions being refined as a result of the responses.

The data was then co-related with existing data already held by local authorities, such as school attendance.

Also investigated the need for ‘emergency stopping places’ (where a 28 days’ licence is possible) and temporary transit needs.

35 show people were interviewed, their community being quite distinct and with different needs.

p6 outlines the legislation.

1960 Act: Caravan Sites and Development. It outlawed all sites which did not have GDC permission.

1994 criminalised encampments and dismantled the 1968 Act which had required local authorities to make provision, but only a third of authorities complied. Local authorities were now obliged to take legal action to remove encampments, often at crippling costs to the tax payer (Something we have seen recently!)

2002 St Andrew’s Park, Bristol was set up. Thereafter Bristol City Council saw the cost of evictions drop from £200,000 per annum to under £5,000. Other authorities experienced similar savings.

2006 An amendment to the legislation now enables ‘retired’ gypsies to join encampments

Since 1979 LA has been required to do six monthly counts of caravans to establish the size of the travelling community. This is not done for hippies or show people.

p10 outlines other academic research with which their own findings can be triangulated.

p13 describes the extensive networking within the community and the expertise gained from previous studies to encourage co-operation by the communities

p14 It proved extremely hard to glean any information about their financial circumstances.

The basic flaw in this requirement to count caravans is that it gives no indication of how many households there are. Teenagers are often put in their own caravans while still dependent on their parents –one family may have four or more caravans. It is also difficult for them to locate all the illegal pitches. The community objects to the whole process of being head-counted anyway.

An advisory forum was set up and actual travellers did the interviews which made a huge difference, as they mainly interviewed their own people. They worked in the same proportion as the three main communities – Roma, travellers of Irish origin and ‘new travellers’. They went in blind without pre-arranged times because of the nature of the travelling community. A police raid in the middle of the information gathering did not help at all. The other problem was reaching the housed/settled travellers.

**Recommendation: that the WoE Gypsy/Traveller/Showman Forum continued to meet on a regular basis in an advisory capacity.**

**Finding:** B&NES has no Roma families but a disproportionate number of 'new travellers'. In B&NES the average is three caravans per household but many are less. This may be because there are few Roma. However, average no of children is 2.1 except for show people, who have 1.4 (nationally housed families are av. 1.8)

There are far fewer older people compared with the settled community perhaps because life expectancy is low, or because older people get themselves housed.

14,000 caravans altogether in England, for approx. 40,000 individuals.

There will be a separate census category for them in 2011.

WoE have approx. 1,933 individuals in about 500 households with about a third in housing (This is the same as the 2012 report by Shelter on housed travellers.)

This means 188 sited households with 15 in B&NES, (13 with kids) 123 in S.Gloucs.

6 show people households in B&NES including those housed. **22 altogether**

21 households in B&NES were interviewed.

This is a relatively stable community living on unauthorised plots.

In 2007 there were 20 pitches in addition to the one pitch with temporary planning permission.

Spoke to most new travellers and show people.

They had very few responses from the over 60s.

Most NT children were aged 1-5. The majority of the 11-16 year olds are Irish travellers. The Archdiocese of Dublin (RC) has established that 70% of Irish travellers die before they are 60, and 80% by 65.

Show people need storage for their rides. They used to have 'winter quarters' but now they travel to Christmas fairs and only spend Jan-April repairing rides etc. They have much larger caravans and about 4 vehicles per household.

They have significantly fewer children but look after their old people. Daughters on marriage move to their husband's site. There is little 'marrying out'. B&NES have 2 show families of long standing. There is considerable overcrowding in the existing yards, which has led to fatalities in fires. There is an acute shortage of authorised pitches for show people. 49% nationally have no existing self-owned sites or private lets, which is what they want. 45% could afford to buy their sites.

p51 Total B&NES requirement is 2011-16 is 22 pitches including the legitimisation of the existing households (18) ie permanent pitches with one household per pitch. One family with to transfer out of a house to a pitch. (rare choice)

An expansion of 3% is desirable to accommodate young married couples.

37% of respondents want short stay/transit pitches. Some travellers are not travelling because of the lack of places to move on to.

2005-6 B&NES had 30 instances of unauthorised encampments including NTs

2006-7 B&NES has an estimated need for 20 transit pitches for a proportion of the 60 travelling families in the WoE

One show person's yard is needed by 2011

There were 31 unauthorised caravans in B&NES in Jan. 2004, 26 in July 2005

The number of families who want to get housed, and the number who want to leave is almost identical.

Further work is needed to establish preferences.

Jan 2007 Had 35 unauthorised encamped families. Most of these would be entitled to be re-housed – at what cost?

Many of the housed families are very unhappy because of their neighbours' prejudices and harassment. Also they find dealing with bureaucracy very difficult.

**Recommendation: more teaching support, and education of settled population**

48% have enough savings to buy a house.

In the SW access to medical care is better than elsewhere but some GPs refuse travellers from unauthorised encampments. Depression was the most frequently reported illness. Also high prevalence of asthma, bronchitis and other lung diseases.

Probably the result of genetic pre-disposition and dampness + high incidence of smoking.



Significantly higher rate of disability among the housed travellers. The team established by Bristol Council to make contact with travellers is highly commended. They often lack house adaptations to which they are entitled. Also suffer from illnesses caused by poor water supplies and sanitation. 46% of those housed are unhappy with situation. **The Travellers Health Project is vital, but only 60% were aware of it.**

Bristol has a good 'myth-busting leaflet' which should be used more widely.

Only 22.5% of traveller s children in 2005 achieved 5 C+ GCSEs, 14.9% of Roma. Compared with 54.6% generally. 12,000 children nationally are out of school at any one time. Bullying, racism, (including from the teachers) and a feeling that there was no point in attending if the families going to be moved on were reasons given. Also they may stop near a school which is already full and they cannot organise an appeal.

**B&NES needs to do more outreach work about the Travellers Education Service.** New Travellers tend to educate their own children at home. Travellers were keen to go on FE courses, and many had. They wanted vocational courses. 40% of NT had contact with housing services, but since many had no children, they could not get help. Roma would also seek help, but Irish travellers mainly did not.

**70% reported racism and harassment, but most never went to the police.**

p138 Among the recommendations was that travellers should not be offered poor quality land or contaminated sites no-one wanted.

p139 **B&NES needs 19 pitches, 20 transit pitches, and 1 show people's yard.**



+ at Ellsbridge House which is immediately adjacent + there  
access with 1 of 6 preferred sites + have made many  
statements confirming the unsuitability + difficulties of  
this site

## **Cabinet 12 September 2012 Agenda Item 14**

### **Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD)**

My name is Rosemary Collard, and as you know I am the owner of Snapdragons Nurseries\* (Ellsbridge House) I have been asked to make this statement on behalf of Cllr. Hanney, who is unable to attend today. He has been advised that it is not possible for a Councillor to make a written statement that will be available at the Cabinet meeting. I am making this statement in order that his views may be known before Cabinet makes its decision.

He says; On 9 May 2012, the Cabinet made a series of decisions, many of which had not been contemplated in terms of the recommendations in the relevant Agenda paper. Many of these decisions, including but not limited to Decision 7, were not sound.

The Planning Transport & Environment Policy, Development & Scrutiny Panel (PD&S) at its meeting in May (and prior to consultation commencing) requested the Cabinet to think again. Consultation commenced in May without due consideration by the Cabinet and indeed when the Cabinet met on 13 June 2012, it didn't even have a copy of the PD&S Minutes before it, yet decided to continue blindly on. Council also subsequently decided to ignore the key relevant issues as to why the process was unsound and as set out in my motion to Special Council on 18 June 2012.

As a consequence, the Council is now facing a Judicial Review from members of three Action Groups (Keynsham, BORAG and SWAG), which it has no prospect of defending successfully should the matter proceed to Court. Indeed many of the relevant issues raised under the Application for Judicial Review are implicitly or explicitly acknowledged as valid within the current Agenda Paper and were as contemplated as potential risks in my motion to Special Council in June.

It is not appropriate to revisit all the grounds for judicial review, of which there are many, but I will concentrate on the implications of Decision 7 by which the Cabinet decided that it would eliminate from any further consideration those 17 sites considered at the May meeting but not selected as Preferred Sites. This decision was both unsound and unlawful. It is now clear that the information available to Cabinet was insufficient, inaccurate (including scoring) and misleading. Preferred Sites were selected in error or as a result of error and importantly certain sites were not selected which might have been had the correct information been available to Cabinet.

There have been statements by the LibDems that the three sites subject to the Judicial Review proceedings will be dropped at Cabinet today. The Cabinet would be well advised to drop the three sites today or alternatively and preferably to restart the whole process.

It is clear, of course, that the three sites are unsuitable and should never have been selected.

The Administration has created a major problem for the Council. The three sites will be deselected as 'Preferred' whether at Cabinet or as a result of Judicial Review although in the latter case the process will rather have to be re-run and months and costs wasted.

If the process is not stopped and re-run there will likely be challenges either by Whitchurch Village Action Group or by one or more Objectors to any new site 'preferred' whenever that may be (i.e. one of the 27 listed in the Agenda Paper). Whitchurch was incorrectly designated as a brownfield site, improperly scored (it should have been 13<sup>th</sup> not 5<sup>th</sup> of sites scored) and the consultation was as a result misleading. There are clear grounds for Judicial Review and the Council should not assume that this Action Group or any of the other groups which will no doubt be formed will not take appropriate legal steps. As far as an Objector to any of the new sites is concerned, it is clear that those sites cannot be fairly compared to the 17 of the best 23 sites originally considered or possibly 20 of the best 23 sites originally considered if three more are dropped today. This position creates confusion and an obvious area of challenge, compounded by the proposal to completely change the evaluation process.

The Cabinet can, of course, await the inevitable and successful challenge (and thus waste even more time and money) or it can recognize that it has got it seriously wrong and start again now. The latter is strongly recommended and I am sure will be fully supported by the Members and our ratepayers.

*On a personal note, you have spoken tonight about protection jobs & this is what I have been trying to do over the last few months ~~when~~ <sup>since</sup> starting up a new nursery of which the Council was aware.*

Address at Cabinet meeting on 12th September

I speak as a resident of Sleep Lane which is in close proximity to parcel 7100 Woollard Lane, Whitchurch.

This is a greenfield site within the Greenbelt and should therefore not have appeared on the original preferred options list. The council have now confirmed that an error was made when it was declared Brownfield.

A few years ago, we noticed that caravan appeared in a nearby field and subsequently received a planning notification of an application for a gypsy pitch.

This was seriously opposed by residents and parish council as we all knew the site to be in green belt and there were concerns about overdevelopment, safety, sanitation and visual impact.

We were relieved to hear that the planning department refused the application but the occupants stayed and built fences, felled trees, put in hard standings and an additional building. As is common with gypsies and travellers the retrospective planning decision was appealed and after another refusal - temporary permission due to run out in 2015 was granted.

Since then further work has been carried out clearing the adjacent field .. and we are very concerned that this site is being considered not only as a single permanent site but also for a second pitch (or is this already a done deal?)

I read with despair that the planning team had "received a small a number of concerns about the Whitchurch site which have been dealt with"

Apparently this relates to the number of specific issues rather than the number of responses.....what the cabinet needs to appreciate is that the Whitchurch residents who came out in force, "speak" as one" about the main issue namely the overdevelopment of the greenbelt and the law that applies to it.

It is well known that gypsies and travellers apply for planning permission retrospectively. The lack of public sites responsible for this and councils have an obligation to find suitable sites.

These sites should be on brownfield, NOT in greenbelt, NOT on a blind bend which connects a main trunk road out of Bristol and a busy rat run out of Keynsham where there are no kerbs or safe crossing areas.

The sites should be somewhere where there is access to economic opportunity, healthcare, schools, shops and promote true integration into society. The site at Woollard Lane ticks none of these boxes.

Allowing small permanent pitches in open countywide will lead to further sites peppering our rural landscape.

The residents of Whitchurch village feel let down by Banes and the planning team.

We live in an area that we love and we respect and abide by the strict planning laws that govern Greenbelt Land.

It seems that the goal posts are moved in favour of the minority group time after time. There is little point carrying out a public consultation if decisions have already been made or people feel that they are being ignored - unless you are threatened with solicitors or a judicial review.

Its all very politically correct but very democratic.

Now is the time to put things right, listen to the local community, act lawfully and remove the site from the preferred options list.

Thank you.

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## **B&NES CABINET MEETING 12<sup>th</sup> September 2012**

### **Update report on Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document REF. E2433**

#### *Introduction*

- 1.1 This update reports brings to the attention of the cabinet the draft minutes of the Planning, Transport & Environment Policy Development and Scrutiny Panel meeting held on 23 August 2012 (Appendix A to this update report) along with the public submissions made at the Panel Meeting (Appendix B to this update report). It also updates Cabinet on the viability assessment of the site at Pensford Tip. These items raise a number of points which are addressed below

#### *Public statements*

- 1.2 At the Scrutiny Panel meeting 8 members of the public made statements regarding the Cabinet Report. These statements mostly re-iterated issues relating to specific sites raised through the public consultation. The key issues arising from the public consultation are summarised in the Cabinet Report Appendix 2 for the benefit of Cabinet and the full comments will be available to view once they are uploaded on the Council's website. In addition concerns were raised relating to the DPD preparation process.

#### *Ongoing Lack of Certainty*

- 1.3 One of the main issues raised in the public statements and the Scrutiny Panel was the uncertainty that has resulted from the public consultation on the sites. There is concern that the stock take would continue to cause distress to the public living in the vicinity of the site options as the results of this stock take will not be known until early 2013. The ongoing work causes concern for both the settled and travelling communities.

#### *Viability Report on GT.2 Old Colliery Buildings, Stanton Wick*

- 1.4 As part of the stock take, a number of investigations are underway. These will inform the outcome of the review of sites. Initial results are outlined in the Cabinet report and all these studies will be made publically available. In particular, the Cabinet report at paragraph 5.20 refers to a viability assessment on the deliverability of the site at Stanton Wick (Appendix C). The viability work sought to understand the potential costs of developing either 20 or 5 pitches on-site, the two costs seeking to provide a comparator for alternative site development options.
- 1.5 On the basis of providing a 20 pitch site, requiring a site area of 10,200m<sup>2</sup>, the total scheme cost is estimated to be approximately £3.6m. Alternatively, the estimated cost of providing a 5 pitch site, requiring a site area of 3,835m<sup>2</sup>

would have a total development cost of £1.7m. Preliminary research conducted by the Council based around informal discussions with representative bodies indicates that pitch sales, at the maximum of market yield and based on permanent pitch costs only, could achieve just £2.4m for 20 pitches and £600k for 5 pitches. This preliminary assessment of viability indicates that the cost of delivering a site at Old Colliery Buildings, Stanton Wick, is highly likely to be prohibitive against potential site yield.

Draft Minute of the Planning, Transport & Environment Panel – 23<sup>rd</sup> August 2012

**Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document**

The Policy & Environment Manager introduced this item to the Panel. He explained that the Council undertook consultation on an Issues and Options document between 21st November 2011 and 16th January 2012 and that a Preferred Options document was consulted on between 23rd May and 20th July 2012.

He added that as a result of the issues raised during the public consultation and also because of the further work required on the Core Strategy the Council was undertaking a review or stock take of the work so far. Part of the stock take will be a review of the site selection process in light of the concerns expressed over the previous methodology through the public consultation.

He stated that over 1,600 comments had been received to that consultation, including a number of petitions.

He informed the Panel that through the consultation 27 new sites had been suggested. He stressed that no assessment had yet taken place of these sites.

The Chairman commented that earlier in the week she had received a copy of the Cabinet report due for publication in September. She asked why the report had already been written.

The Policy & Environment Manager replied that he thought an early site of the paper would be of help.

Councillor Malcolm Hanney asked why there was no mention of the Judicial Review process in the report.

The Policy & Environment Manager apologised for the omission.

Councillor Malcolm Hanney commented that he did not understand why the Cabinet report had been published prior to this meeting. He added that the communities surrounding the 27 newly proposed sites would not have had time to receive and digest the information. He asked for the dates for when each of the newly proposed sites were suggested.

The Policy & Environment Manager replied that in response to a request at the last Town & Parish Council liaison meeting, the Council had agreed to notify Parish & Town Councils of the new list of sites as soon as it was possible. He added that it took some time to work out the exact location of some of the sites that were being put forward.

Councillor Geoff Ward commented that he felt it would be more beneficial if only viable sites were listed.



The Policy & Environment Manager reiterated his previous comment relating to the request of the Parish & Town Councils. He added that the publication of the list would promote early engagement.

The Chairman asked if some sites should simply be dismissed before publication.

The Policy & Environment Manager replied that officers have been asked not to withhold any suggested sites in light of previous criticism that the council had made decisions on sites without involving local councils.

The Chairman asked if any further comment could be given on whether three sites from the initial list were going to be removed at the next Cabinet meeting.

Councillor Tim Ball, Cabinet Member for Homes & Planning replied that it was highly unlikely that the Cabinet would choose to progress the sites at Stanton Wick, Radstock Canteen and Ellsbridge House.

The Chairman asked at this point if Councillor Ball would like to make his statement to the Panel.

Councillor Ball stated that in the light of the recent Options Consultation and the further work required on the Core Strategy, a stock take of the Gypsy & Traveller site work was underway. He added that the results of on-going work indicated that there were particular concerns about the deliverability of three of the sites.

Old Colliery, Stanton Wick:

Highways – The development of this site would require considerable improvements, such as a visibility splay, amendments to the existing Traffic Regulation Order, improvements at the Stanton Wick Lane junction with the A368 and provision of additional passing places in Stanton Wick Lane. These measures will all have a cost.

Ecology – Whilst the Ecologist is of the view that no significant habitat related constraints have been identified that would prevent a carefully sited development proceeding, further surveys are needed for protected species (eg bats, great crested newts) which may require mitigation with associated costs.

Viability – An initial assessment indicates that the costs of developing the site will render the site unviable. (NB 20 pitches would cost £3.6m to develop & 5 pitches would cost £1.7m. Even if the pitches were valued at the top end of the market, they are likely to yield £2.4m for 20 pitches & £0.6m for 5 pitches).

Former Radstock Infant School Canteen:

Historic Environment – A formal Conservation Area Impact Assessment concludes that it would be very difficult to achieve good design as a Gypsy or Traveller site and that the harm arising to the Conservation Area would be considerable, failing to accord with national planning policy requirements.



Highways – The limited size of the site would prevent on-site turning and passage of large vehicles on the access road would be difficult. The proposed use of the site would require full demolition of the front boundary wall which, as noted by the Conservation Area Impact Assessment, makes a valuable contribution to the character of the Conservation Area.

Ellsbridge House, Keynsham:

Trees – The Council's senior arboriculture officer is of the view that development of this site would destroy the woodland appearance. In her view, the site is suitable for a woodland designation Tree Preservation Order.

Highways – The neighbouring landowner has indicated very strongly that the option of a new, improved shared access would not be acceptable and so this access solution is not available to the Council.

Conclusion on the above 3 sites: I believe it is almost certain that the three sites suggested at Stanton Wick, Ellsbridge House and Radstock Infant School Canteen will not be included in our final plans

The Council has also now published the list of sites suggested by the community for investigation as Gypsy & Traveller sites and these will be assessed against the new criteria. Before the Council finalises the draft Plan it will consult on the revised list of sites in the New Year.

Judith Chubb-Whittle, Chair of Stanton Drew Parish Council addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

Here are a few of the questions my parishioners have asked me to put to you;

Can a detailed number of responses received be provided?

Does a petition count as a single response?

Is it possible to provide a breakdown of responses received per site?

A revised, and hopefully more realistic and accurate site selection process is welcomed, but can we be assured that sites which have already been shown to be undeliverable will be removed AND removed permanently?

The report refers to new sites identified through the 'Call for Sites', but the initial Call for Sites closed on 16-Jan-2012. Is there currently a formal Call for Sites or is this just an informal request? Whilst the response form can be found by searching the B&NES website, it is not linked from the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD web page.

One positive outcome has been the massive increase in the interest in the activities of the Parish Council; the lowest level of democracy and the only one which is apolitical. This contrasts with the Parishioners' current view of B&NES, which has

massively undermined its credibility and frustrated everyone with its unnecessary politicisation of a hugely important local issue.

Mary Walsh, Joint Chair of Whitchurch Village Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

My question this morning is why is this consultation being continued, as it has been proven to be flawed and is littered with inaccuracies?

The Whitchurch site is still included on the preferred list when it is an inappropriate site in a dangerous position, but most of all it is in the Green Belt. The Council referred to site on the matrix table as Brownfield when it has now been agreed it is definitely in the Green Belt.

Three sites have been rumoured as being removed from the list, my question is was it because they were represented by a renowned barrister or because they were inappropriate just as the Whitchurch site is. If this is the only way to get fair play we will take appropriate action or did the council remove them because of public outcry?

I keep asking about the Gas Main that runs very near to the site but no one has answered my question. Is it correct that a new development cannot be created near this danger? A letter I sent dated 12th July has still not been answered.

I trust sense will prevail and the correct action will be to remove the site from the list.

Councillor Malcolm Hanney asked if she felt that Whitchurch had been treated fairly in this process.

Mary Walsh replied that she felt that Whitchurch had not been treated fairly and that the figures attributed to them on the scoring matrix were very wide of the mark.

Ken Sutton addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

The need for B&NES to pursue the issue of traveller's sites is obvious but progress should not mean change at any price. B&NES must get it right. The current proposals are not the right thing and would do untold damage.

The absence of the mention of Conservation Areas in the current document is alarming. One of the original criteria was that sites should not be within 1½miles of such an area.

I move now to the summary of comments received on the suggested site at Radstock. The shorthand presentation of comments is worrying. People take a lot of time to present comments, they deserve effective presentation. This seems more geared to brevity than accuracy.

Traffic problems – B&NES own team leader for Highway Development Control advised before pre-consultation that the roads were already very difficult. The

document in front of you identifies the problem but plays it down. The use of this site will change the road from difficult to dangerous.

Access – Certainly the site can be reached by foot and cycle but it takes determination and hard work because it is at the top of a very steep hill. I live below the site and have walked home on only 3/4 occasions in the past 4 years. Bicycles need to be pushed up. Public Transport is very limited.

There is a primary school nearby, but it is oversubscribed. Again, B&NES officers pointed this out prior to the first paper.

The above suggests a selective deafness throughout these reports. That suggests predetermined conclusions and does no justice to the gravity of the issue, or make your job of assessment any easier.

Rosemary Collard addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

On 9th May, the land adjacent to Ellsbridge House was designated by the Council as a preferred option for a Gypsy & Traveller Site. This decision and the subsequent consultation have had a very detrimental impact on our business and its prospects as the proposed site is immediately adjacent to our nursery and shares its access.

Despite representations made to the Council, including at a Special Council meeting on 18th June 2012, the Council has failed to acknowledge that its decision to determine this site as a preferred option was negligent. As a result, we have had to deal with staff concerns, both from current staff and in the recruitment of new staff for the Keynsham nursery. There has also been less interest by families than anticipated and many families attending the Open Days have expressed concerns relating to child safety and the difficulties of securing a shared access.

The Highways section of the detailed site assessments related to this site states that 'the formation of any additional access in this location would be resisted and not in the interests of highway safety, particularly given the need for access by large / towing vehicles and caravans'.

With regard to the Potential for Development and Suitability section it was stated that 'the site is not considered suitable for development as a Gypsy & Traveller site due to its location adjacent to a busy and noisy highway'.

I do not understand why, with all the information the Council had at its disposal, the land adjacent to Ellsbridge House ended up being one of the 6 preferred sites. After months of uncertainty and worry, of time being spent writing statements, attending meetings and dealing with queries and concerns, the question I would like an answer to is, has the site been rejected?

Liz Richardson, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

Members of this Committee are now aware that both a detailed letter of claim and a detailed application for leave to legally challenge the Council has been issued by individuals including myself connected with the preferred sites at Stanton Wick, Keynsham and Radstock.

The issue which I am addressing is the lack of any reference in the reports before you of the application for a Judicial Review we consider should be of material interest to this Committee. The application which follows a detailed letter of claim before action, Challenges the Council that it acted unlawfully for the following reasons:

- The selection criteria failed to apply, or give reasons for not applying, national policy in Planning policy for traveller sites, in breach of the statutory duty to have regard to national policy;
- The Council failed to consider the reasonable alternative sites or give reasons why other sites, including tolerated sites where gypsies and other travellers are already living and working without apparent land use problems were not reasonable alternatives, in breach of the Environmental Assessment of Plans and Programmes Regulations 2004;
- The Council acted irrationally by adopting selection criteria and then short listing sites which performed very badly against those criteria;

The failure to reconsider the Gypsies DPD preferred options following the suspension of the Core Strategy examination was unlawful for the following reasons:

- A reason for refusing to reconsider the Gypsy and Traveller DPD was a belief that any delay would undermine the Core Strategy. As the Core Strategy examination has been suspended for at least 11 months, the need for urgency on the Gypsy and Traveller DPD has abated and this is a relevant consideration requiring the future of the document to be reconsidered;
- The Gypsy and Traveller DPD is required to be consistent with the development plan. However the preferred options draft is not consistent with the current Local Plan or the submission draft Core Strategy and the relevant Core Strategy policy will have to change in any event to be consistent with Planning policy for traveller sites.

I understand that it is not appropriate for me to make available copies of legally privileged documentation but I am sure the Committee will be able and wish to avail itself of copies of both the Letter of Claim before action, the Application to Challenge the Council at a Judicial Review hearing and the connected correspondence between the Council and the lawyers representing the Claimants.

Sue Osborne, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

I am providing you with a submission in respect of the main body of the report which you have before you.

Item 2.1 – ‘the scope of the stock take’ – Our submission is that the “stock take” is in effect a fundamental review and should therefore be predicated by a complete stop of this process. Only in this way will the Council be able to properly manage what is a sensitive and complex process and ensure that the conclusions reached are both robust and deliverable. To attempt what is a confused re-timing whilst continuing the review of the 6 preferred sites will bring unnecessary expense, confusion and harm to the communities surrounding the 6 preferred sites.

Item 3.1 – there is no advice regarding the cost of defending a legal challenge which is inevitable if the current process is not halted, reviewed and re-started. We suggest that this Committee will want to see a detailed budget including the cost of defending a legal challenge. We suggest that it would be appropriate for the officers to present budget and timing comparisons between a halt and re-start and the proposed ‘stock take’ and assessment of additional sites. Our cursory work concludes the cost of halting and re-starting will not be higher than this proposal for sticking plaster and hope.

Item 3.4 – We submit that the costs of development are fundamental to the consideration of deliverability and sustainability and contrary to the advice given to the Committee we consider that costs cannot be left to the Draft Plan Stage. The deliverability must be a fundamental consideration in the early appraisal of sites. Highways and Contamination can always be overcome at a price but that does not make a site deliverable for its proposed use.

Item 4.3 – We submit that to describe the objections, which have resulted in an application for a legal challenge as “concerns” is a contrived understatement and an avoidance of the challenge that the process is fundamentally flawed.

Item 4.11 – How can the continuing of this process be defended when it is admitted that the needs assessment, that which will set out the requirement for pitches, must be updated?

Item 5.5 – We submit that the flawed process promoted to date by the Council has inflicted considerable damage to relationships between the travelling communities and settled communities.

Karen Abolkheir, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel’s Minute Book, a summary is set out below).

The report fails to list all of the issues raised by the consultation process and the submissions received from individuals, professional advisors and other concerned and connected parties. Many of the issues were brought to the attention of Cabinet BEFORE 9th May meeting. We are concerned that the report is misleading from its failure to ensure the correct emphasis is applied to each of the issues and that some key issues have been omitted.

We submit that the key areas of omission are;

- The potentially affected communities were not made aware of the proposals much earlier in the process – a failure of duty by the Council to ensure a proper process of communication and consultation.
- The proposal is an inappropriate development in the Green Belt therefore contrary to Government policy and previous applications on the site have been refused on Green Belt grounds.
- Occupation of the site would dominate nearest local community at Stanton Wick directly contrary to Government policy.
- The examination and criticism of the site appraisal process and the site selection scoring matrix.
- The Stanton Wick site scores a minimum of -8. A highly respected and nationally renowned Planning Consultant submitted a report evidencing the scoring.
- The site is not one preferred by travellers as shown in the GTAA i.e. in close proximity to amenities and small family sites of up to 5 pitches.
- The distance from public services and community facilities and access to public transport.
- Impact on availability of school places, resources and quality of education in local schools.
- The distance from public services and community facilities and access to public transport.
- Impact on availability of school places, resources and quality of education in local schools.

In respect of Responses listed from Statutory Consultees we respectfully call your attention to the following;

English Heritage – Need to carefully consider historic and social significance of the colliery to ensure any future use of the site is sensitive to its cultural heritage value (reference to conservation of non- designated heritage assets Core Strategy Policy CP6 and NPPF). – not made available for public consultation.

Wessex Water – Comment has no consideration of cost and supply restrictions and is therefore insufficient for the purpose of site evaluation.

Avon Wildlife Trust – Site is clearly not suitable for a development as proposed.

The Gypsy Council – Recommends smaller sites.

We consider that the report is therefore incomplete and selective in its reporting of the issues raised and opinions given during the consultation process.



Clarke Osbourne, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

Considerable expense of time and money has been made by our group in seeking to advise and inform the Council in both the mistakes of process and the particular detailed information concerning the site at Stanton Wick. It is of great concern that much of this advice and information has been ignored.

We remain convinced that the Council should heed this Committees earlier advice and stop this process, re-set the needs assessment, re-set the site assessment and undertake an open and fair process of selection and following that a public consultation.

We have many unanswered questions, particularly in respect of the involvement of individuals prior to the notification and launch of the process by the Council in May this year. We intend to follow through this questioning in the weeks and months to come to satisfy ourselves that all proper care has been taken by the Council to ensure a fair and open process, devoid of emotion or political positioning has been followed.

Councillor Geoff Ward asked what changes should be made to the process.

Clarke Osborne replied that he felt that the whole process should be halted to allow for further discussion with the other neighbouring Local Authorities to take place and for a review of the needs assessment to be carried out.

Peter Duppa-Miller, Secretary, B&NES Local Councils Association addressed the Panel.

He said that looking forward, the Local Councils Association most warmly welcomes B&NES Council's intentions to -

- Identify sufficient suitable, available and achievable authorised sites in Bath and North East Somerset for Gypsies, Travellers and Travelling Show People.
- Review the GTAA 2007, in order to establish the up-to-date (and projected) need for pitches.
- Comply with the Duty to Co-operate with neighbouring Local Authorities.
- Establish, and utilise, a much more robust site selection process.

Brian Hugget, Englishcombe Parish Council addressed the Panel. He stated that Site 1 of the new list of proposed sites needed to be correctly identified and that he had informed the officers of this error. He added that he found the scoring matrix difficult to follow and hoped that this would be revised as the process moved into this next phase.

The Chairman at this point wished to ask the officers present some of the questions that had been raised by the members of the public during their statements.

She asked if a detailed number of responses received per site could be provided.

The Policy & Environment Manager replied that all the responses that had been received would soon be available to view online. He added that he would provide details of the number of responses per site at the next meeting of the Panel.

The Chairman asked if a petition was counted as a single response.

The Policy & Environment Manager replied that it was.

The Chairman asked if a decision on the future of the sites at Stanton Wick, Radstock and Ellsbridge House would be made at the September Cabinet meeting.

Councillor Tim Ball replied that it would.

The Chairman asked if the scoring matrix would be revised.

The Policy & Environment Manager replied that the matrix would now be replaced by more descriptive & analytical Site Selection Criteria as set out in Appendix 3 of the Cabinet report.

The Chairman asked why there had been no mention of the Judicial Review in either the Panel or Cabinet report.

The Policy & Environment Manager apologised for this oversight and said that an update report would be issued to the Cabinet meeting.

The Chairman asked for an explanation of the scoring in relation to the site in Whitchurch.

The Policy & Environment Manager replied that he would need to look at the matrix and would give an answer at the next meeting of the Panel.

Councillor Malcolm Hanney commented that he believed the site would move from 5th to 13th on the original scoring matrix now that the site had been ratified as being within the Green Belt. He added that he did not see much need in having a further call for sites at this stage.

He asked how the 27 newly proposed sites could be fairly compared with all the previous sites.

He also stated that he was concerned over possible further legal challenges and that therefore the Council needed to get the process completely right.

Councillor Nicholas Coombes commented that he understood why a scoring matrix was used in the first instance but agreed that it was the correct decision to move on from it at this stage. He added that he welcomed the new raw list of sites and stated that he felt the MoD sites should be ruled out of these discussions.



Councillor Geoff Ward commented that he felt that only deliverable sites should be discussed and that the Council should take stock now and serve the community in the best way it can.

Councillor Caroline Roberts asked if the Council's legal team had approved the initial process.

The Policy & Environment Manager replied that it had.

Councillor Geoff Ward called for the final decisions on this matter to truly provide real solutions for the travelling community.

The Chairman asked for an update at the next meeting on the relationship between the Gypsy & Traveller Development Plan Document, the Placemaking Plan and the Core Strategy.

She also thanked the members of the public present for their attendance and contribution to the meeting.

**Statements of the Public to Planning, Transport & Environment Policy  
Development and Scrutiny Panel 23<sup>rd</sup> August 2012**

**BORAG**

Transcript of a presentation to be made by Ken Sutton to the BANES Planning, Transport & Environment Policy and Scrutiny Panel on 23/08/12.

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The need for BANES to pursue the issue of travellers sites is obvious but progress should not mean change at any price. BANES must get it right. The current proposals are not the right thing and would do untold damage.

The absence of mention of Conservation Areas in the current document is alarming. One of the original criteria was that sites should not be within 1½miles of such an area.

We have been assured by the Leader of the council that this is a “pre” consultation process. Throughout this document the word consultation is used. I presume that this is just another typographical error.

I move now to the summary of comments received on the suggested site at Radstock. The shorthand presentation of comments is worrying. People take a lot of time to present comments, they deserve effective presentation. This seems more geared to brevity than accuracy.

Traffic problems. BANES own team leader for Highway Development Control advised before pre-consultation that the roads were already very difficult. The document in front of you identifies the problem but plays it down. The use of this site will change the road from difficult to dangerous.

Local amenity is mentioned as being unable to be fully protected by screening, this is also true of the amenity of the travellers. They would be overlooked on a continuous basis.

Access, certainly the site can be reached by foot and cycle but it takes determination and hard work because it is at the top of a very steep hill. I live below the site and have walked home on only 3/4 occasions in the past 4 years. Bicycles need to be pushed up. Public Transport is very limited.

There is a primary school nearby, but it is oversubscribed. Again BANES officers pointed this out prior to the first paper.

The above suggests a selective deafness throughout these reports. That suggests predetermined conclusions and does no justice to the gravity of the issue or make your job of assessment any easier.

Let me finish with the words of our local councillor and your Cabinet member Simon Allen. "I will be objecting on planning reasons. Bath Old Road is already chocker-block with traffic, the area is designated a conservation area and access to the site is limited without reducing car spaces further"

Well said Simon.

For those and many other reasons I ask that you recommend the removal of the Radstock site from any further consideration.

## **Sue Osborne**

My name is Sue Osborne and I am a member of the Stanton Wick Action Group and make this statement both personally and on their behalf.

I am providing you with a submission in respect of the main body of the report which you have before you.

**Item 2.1** – ‘the scope of the stock take’ – Our submission is that the “stock take” is in effect a fundamental review and should therefore be predicated by a complete stop of this process. Only in this way will the Council be able to properly manage what is a sensitive and complex process and ensure that the conclusions reached are both robust and deliverable.

To attempt what is a confused re-timing whilst continuing the review of the 6 preferred sites will bring unnecessary expense, confusion and harm to the communities surrounding the 6 preferred sites.

**Item 3.1** – there is no advice regarding the cost of defending a legal challenge which is inevitable if the current process is not halted, reviewed and re-started.

We suggest that this Committee will want to see a detailed budget including the cost of defending a legal challenge.

We suggest that it would be appropriate for the officers to present budget and timing comparisons between a halt and re-start and the proposed ‘stock take’ and assessment of additional sites.

Our cursory work concludes the cost of halting and re-starting will not be higher than this proposal for sticking plaster and hope.

**Item 3.4** – We submit that the costs of development are fundamental to the consideration of deliverability and sustainability and contrary to the advice given to the Committee we consider that costs cannot be left to the Draft Plan Stage. The deliverability must be a fundamental consideration in the early appraisal of sites. Highways and Contamination can always be overcome at a price but that does not make a site deliverable for its proposed use.

**Item 4.2** We submit that the proposal of a Stock Take is not sustainable and hope that the Committee when reading the proposals for the Stock Take will conclude that the clearest, sustainable and most cost effective way forward will be to cease the process and thereafter launch a new process of DPD which has been fully researched, carefully considered and has at its heart a fair, applied and logical matrix of appraisal. It cannot be too much to expect of a competent authority.

**Item 4.3** We submit that to describe the objections, which have resulted in an application for a legal challenge as “concerns” is a contrived understatement and an avoidance of the challenge that the process is fundamentally flawed.

**Item 4.8** We have been given many assurances from Members that the matter of the Preferred Sites list would in any event be concluded and announced at the Cabinet meeting on the 12<sup>th</sup> September and we have recently seen and heard both formal and ad-hock statements from Members that the site at Stanton Wick has been withdrawn from the list of Preferred Sites.

The report before you intimates that it is intended to continue work on this site (that are clearly not deliverable and which is part of an application for Legal Challenge). This is both confusing and detrimental to the communities affected.

**Item 4.10.** Underlines the need to stop the process as it clearly is not possible for officers to provide information in a timely manner.

**Item 4.11** How can the continuing of this process be defended when it is admitted that the needs assessment, that which will set out the requirement for pitches, must be updated?

**Item 4.12.** It is not clear if the Council is intending to update or produce a new needs assessment which is stated in 4.11.

**Item 4.13** If the neighbouring Councils are not in a position to update their evidence base is it not best to wait until they are?

**Item 4.14.** We are concerned as it appears that options within the Green Belt continue to be considered (Please refer to the list of 27 accompanying the Cabinet papers 12 September).

**Item 4.15.** We submit that the revised timetable should be amended to allow for the following detailed progression.

- Formally halt the process and remove all sites from the Preferred List
- Undertake new needs assessment
- Undertake, publish, consult and agree new site assessment criteria and scoring matrix
- Complete call for sites with specific media advertising campaign
- Undertake assessment of all sites put forward and publish results
- Produce and publish a list of 10 preferred sites which combined are capable of providing more than double the requirement of pitches
- Consult on the list of 10 preferred sites
- Conclude on sites to be taken forward into draft plan and publish
- Consult on draft plan
- Revise and submit Plan for examination
- Hearings
- Inspectors report
- Adopt

**Item 5.5:** We submit that the flawed process promoted to date by the Council has inflicted considerable damage to relationships between the travelling communities and settled communities

**Item 6.4:** We submit that the Council has failed in this respect by continuing failure to manage this process competently.

**Item 6.5** We would like to see an acknowledgement of the equal responsibility to consult with both the travelling and settled communities at the same time

**Speaker - Judith Chubb-Whittle**  
**Chair, Stanton Drew Parish Council**  
**Statement to Scrutiny Panel Thursday 23rd August 2012**  
**Opposition to BaNES proposal to develop the Old Colliery Site, Stanton Wick as a Gypsy, Traveller site.**

**Here are a few of the questions my parishioners have asked me to put to you;**

1. Can a detailed number of responses received be provided?
2. Does a petition counts as a single response?
3. Is it possible to provide a breakdown of responses received per site?
4. The Cabinet has now decided to review the site selection process, GTAA needs assessment (which was out of date at the start of this process), to take into account the new NPPF, liaise with adjacent Authorities and so on.
  - a. The status of these documents is the same as it was at the time of the Scrutiny Panel [15th May 2012] and the Special Council Meeting [18th June 2012], so why delay until now?
5. Would the Cabinet have done a complete 'stock take' if the Core Strategy had not been rejected by the Planning Inspector?
6. Were the concerns expressed by Councillors Ball and Crossley that stopping or changing the DPD process before September entirely spurious and intended to throw people 'off the scent'?
7. A revised, and hopefully more realistic and accurate site selection process is welcomed, but can we be assured that sites which have already been shown to be undeliverable will be removed AND removed permanently?
8. If some of the sites are inappropriate, they should be removed as soon as possible. It would be unreasonable to retain them any longer than necessary and would continue to stress local residents and increase costs both for residents and the Council Taxpayers.
9. Will revised and corrected scoring matrices be issued prior to the Cabinet Meeting? Errors have been identified by Parishioners which BaNES has acknowledged. Stanton Wick Colliery should have scored far lower than 17.
10. Satisfactory explanation has not been provided of how sites with low scores were placed on the list of Preferred Sites. Will this be clarified?
11. Why is there no mention of the legal action relating to a Judicial Review in the report?

12. The report refers to new sites identified through the 'Call for Sites', but the initial Call for Sites closed on 16-Jan-2012. Is there currently a formal Call for Sites or is this just an informal request? Whilst the response form can be found by searching the BaNES website, it is not linked from the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD web page.

13. The only response received from the Gypsy community showed a preference for small sites. Is this being taken into account in the site selection process? Councillors Crossley and Ball stated, at Consultation Meetings that the only good thing about the Stanton Wick site was that it was large.

14. Is it appropriate that the same planning team be allowed to manage what has been a deeply flawed & irresponsible process?

15. Why was SNCI status not properly taken into account?

One positive outcome has been the massive increase in the interest in the activities of the Parish Council; the lowest level of democracy and the only one which is apolitical. This contrasts with the Parishioners' current view of BaNES, which has massively undermined its credibility and frustrated everyone with its unnecessary politicisation of a hugely important local issue.

### **Karen Abolkheir**

My name is Karen Abolkheir and I am a member of the Stanton Wick Action Group and make this statement both personally and on their behalf.

I will briefly make a statement in respect of the report and specifically the site GT.2 Old Colliery Buildings, Stanton Wick.

The report fails to list all of the issues raised by the consultation process and the submissions received from individuals, professional advisors and other concerned and connected parties. Many of the issues were brought to the attention of Cabinet BEFORE 9<sup>th</sup> May meeting.

We are concerned that the report is misleading from its failure to ensure the correct emphasis is applied to each of the issues and that some key issues have been omitted.

We submit that the key areas of omission are;

- The potentially affected communities were not made aware of the proposals much earlier in the process – a failure of duty by the Council to ensure a proper process of communication and consultation.
- The proposal is inappropriate development in the Green Belt therefore contrary to Government policy and previous applications on the site have been refused on Green Belt grounds.
- Occupation of the site would dominate nearest local community at Stanton Wick directly contrary to Government policy.
- The examination and criticism of the site appraisal process and the site selection scoring matrix.

- The criticism that the site appraisal criteria and comparison process through the Scoring Matrix as set out by the Council was not applied to the sites being appraised.
- The Stanton Wick site scores a minimum of -8. A highly respected and nationally renowned Planning Consultant submitted a report evidencing the scoring.
- The site is not on a recognised traveller route.
- The site is not one preferred by travellers as shown in the GTAA i.e. in close proximity to amenities and small family sites of up to 5 pitches.
- Ground stability, safety and contamination issues associated with former mining operations are not resolved, and the clarification of the cost of remediation.
- Whether the site benefits from existing B2 use. Whether the site as defined by the Council can be considered 'previously developed' land which we dispute.
- The cost of substantive highway improvements required to Wick Lane and the ability of the highway authority to complete such works through compulsory purchase powers of the roadside land.
- The absence of a suitable footpath along the lane.
- The distance from public services and community facilities and access to public transport.
- Impact on availability of school places, resources and quality of education in local schools.
- The absence of mains sewerage and the cost of connection.
- The additional pressure on existing mains water with increased demand.
- The cost of providing necessary utilities infrastructure to service the site.
- The detrimental effect of the proposal on wildlife present on site.
- The fact that the site is designated as a Site of Nature Conservation Interest.
- The impact on tourism as the proposal would have a detrimental effect on landscapes, countryside walks and local tourist related businesses.
- The mining heritage and industrial legacy of the Old Colliery Buildings, as highlighted in the Pensford Conservation Area Character Appraisal.
- The proper appraisal of the impact on the Pensford Conservation Area which is at the end of Wick Lane.



In respect of Responses listed from Statutory Consultees we respectfully call your attention to the following;

- Coal Authority; Serious concerns surrounding the Stanton Wick Site – not made available for public consultation
- English Heritage; Need to carefully consider historic and social significance of the colliery to ensure any future use of the site is sensitive to its cultural heritage value (reference to conservation of non- designated heritage assets Core Strategy Policy CP6 and NPPF). – not made available for public consultation
- Environment Agency; Salter's Brook, which runs along the Eastern boundary of the site should be identified as a potential site constraint and pitches set back from the watercourse which should be protected and enhanced where possible. – not made available for public consultation
- Wessex Water – comment has no consideration of cost and supply restrictions and is therefore insufficient for the purpose of site evaluation.
- Avon Wildlife Trust – site is clearly not suitable for a development as proposed
- The Gypsy Council – recommends smaller sites

We consider that the report is therefore incomplete and selective in its reporting of the issues raised and opinions given during the consultation process.

### **Liz Richardson**

My name is Liz Richardson and I am a member of the Stanton Wick Action Group and make this statement both personally and on their behalf.

Members of this Committee are now aware that both a detailed letter of claim and a detailed application for leave to legally challenge the Council has been issued by individuals including myself connected with the Preferred sites at Stanton Wick, Keynsham and Radstock.

You will also be aware of the detailed submissions previously made to this Committee, the Cabinet and a meeting of the full Council.

The issue which I am addressing is the lack of any reference in the reports before you of the application for a Judicial Review we consider should be of material interest to this Committee.

The application which follows a detailed letter of claim before action, Challenges the Council that it acted unlawfully for the following reasons:

The selection criteria failed to apply, or give reasons for not applying, national policy in *Planning policy for traveller sites*, in breach of the statutory duty to have regard to national policy;

The Council failed to consider the reasonable alternative sites or give reasons why other sites, including tolerated sites where gypsies and other travellers are already living and working without apparent land use problems were not reasonable alternatives, in breach of the Environmental Assessment of Plans and Programmes Regulations 2004;



The Council failed to consider the requirements of the Habitats Directive in breach of regulation 9 of the Conservation of Habitats and Species Regulations;

The Council acted irrationally by adopting selection criteria and then short listing sites which performed very badly against those criteria;

The Council acted irrationally in resolving to refuse to reconsider sites which it had rejected.

The failure to reconsider the Gypsies DPD preferred options following the suspension of the Core Strategy examination was unlawful for the following reasons:

A reason for refusing to reconsider the Gypsy and Traveller DPD was a belief that any delay would undermine the Core Strategy. As the Core Strategy examination has been suspended for at least 11 months, the need for urgency on the Gypsy and Traveller DPD has abated and this is a relevant consideration requiring the future of the document to be reconsidered;

The Gypsy and Traveller DPD is required to be consistent with the development plan. However the preferred options draft is not consistent with the current Local Plan or the submission draft Core Strategy and the relevant Core Strategy policy will have to change in any event to be consistent with *Planning policy for traveller sites*.

In response the Council have advised that in their view the challenge is;

1. 'premature, misconceived and unnecessary'
2. that a Development Plan Document has not yet been produced' and
3. 'provided the Council has not made its mind up about site selection, it is entitled to consult on any proposal it likes, including its Preferred Options'.

Without wishing to preempt the legal process and entirely without prejudice I would like to comment on the Council's points in turn:

Point 1: The challenge surrounds the decision taken on 9<sup>th</sup> May to take 6 'Preferred Options' forward to consultation – a decision based on a flawed process and incorrect scores applied to the selection criteria matrix.

Point 2: The documents produced during this process display DPD all over them. How do we distinguish between all these DPDs?

Point 3: There is evidence pointing to the possibility that the Council had made up its mind early this year by reference to the numbering of the sites 01 to 23 and other correspondence and statements.

I understand that it is not appropriate for me to make available copies of legally privileged documentation but I am sure the Committee will be able and wish to avail itself of copies of both the Letter of Claim before action, the Application to Challenge the Council at a Judicial Review hearing and the connected correspondence between the Council and the lawyers representing the Claimants.

## **Clarke Osborne**

My name is Clarke Osborne and I am the Chairman of the Stanton Wick Action Group and make this statement both personally and on their behalf.

The Committee has heard from my colleagues who have set out our three primary areas of concern in respect of this important process, namely;

- The lack of advice to Members in respect of the legal challenge made.
- The concerns we have in respect of the proposed way forward i.e. a twin track of a "Stock Take" and continuing process of comparative site evaluation and needs assessment.
- The concerns we have in the selective and we believe misguided reporting in respect of the results from the consultation process surrounding the site at Stanton Wick

Considerable expense of time and money has been made by our group in seeking to advise and inform the Council in both the mistakes of process and the particular detailed information concerning the site at Stanton Wick. It is of great concern that much of this advice and information has been ignored.

We have welcomed the public verbal and written statements made by the Council, the Liberal Democrats and individual Members advising that the three sites which are the subject of legal challenge have been removed from the list of 6 Preferred Sites. However we remain concerned that the process has been and will following the adoption of the these proposals, remain deeply flawed and will likely cause further confusion and bring further concern from both the settled and travelling communities.

We remain convinced that the Council should heed this Committees earlier advice and stop this process, re-set the needs assessment, re-set the site assessment and undertake an open and fair process of selection and following that a public consultation.

We have many unanswered questions, particularly in respect of the involvement of individuals prior to the notification and launch of the process by the Council in May this year. We intend to follow through this questioning in the weeks and months to come to satisfy ourselves that all proper care has been taken by the Council to ensure a fair and open process, devoid of emotion or political positioning has been followed.

## **Mary Walsh**

My name is Mary Walsh joint chair of Whitchurch Village Action Group

My question this morning is why is this consultation being continued as it has been proven to be flawed it is littered with inaccuracies.

Whitchurch Site is still included on the Preferred list when it is an inappropriate site in a dangerous position but most of all it is in the Green Belt The council referred to site on matrix table as Brownfield when it has now been agreed it is definitely Green Belt

Three sites have been rumoured to be being removed from the list My question is was it because they were represented by a Renown Barrister or because they were

inappropriate just as Whitchurch site if this is the only way to get fair play we will take appropriate action or did the council remove because public out cry?

The council has not been fair to Whitchurch

1 Road shows were arranged for 5 sites but the only village not represented yes you know Whitchurch after many telephone calls we were given one at short notice but the attendance was impressive for time given to publicise the event

2 The Council made the owner of the site change the entrance. Yesterday I walked with a BBC reporter and we were scared the amount of fast traffic made us change our mind to film and we had to find a quieter location nearby.

3 I keep asking about the Gas Main that runs very near the site but no one has answered my question Is it correct that new development cannot be created near this danger A letter sent to planning Officer Meghan Rossiter dated 12 th July still not answered

I trust sense will prevail and the correct action will be to remove the site from the list.

### **Rosemary Collard**

Scrutiny Panel Meeting 23rd August 2012

Statement re Gypsies, Travellers and Travelling Showpeople Site Allocations Development

Plan Document in relation to land adjacent to Ellsbridge House, Keynsham (GT14)

On 9th May, the land adjacent to Ellsbridge House was designated by the Council as a preferred option for a Gypsy and Traveller Site. This decision and the subsequent consultation has had a very detrimental impact on our business and its prospects as the proposed site is immediately adjacent to our nursery and shares its access.

Despite representations made to the Council, including at a Special Council Meeting on

18th June 2012, the Council has failed to acknowledge that its decision to determine this site as a preferred option was negligent. As a result, we have had to deal with staff concerns, both from current staff and in the recruitment of new staff for the Keynsham nursery. There has also been less interest by families than anticipated and many families attending the Open Days expressed concerns relating to child safety and the difficulties of securing a shared access.

It is very disappointing that the issues included in our statements throughout this process are the ones highlighted by the Council in their various reports. For example, Property Services indicated there would be possible highways issues and that it was heavily wooded. The Highways section of the detailed site assessments related to this site states that 'the formation of any additional access in this location would be resisted and not in the interests of highway safety, particularly given the need for access by large/towing vehicles and

caravans'. The site constraints section of the detailed site assessments states that 'the site is adjacent to Ellsbridge House, a Grade II Listed Building, due to reopen as a day care nursery in September 2012. Development at this location would affect the setting of the Listed Building. With regard to the Potential for Development and Suitability section of the Detailed Site Assessments it was stated that 'the site is not considered suitable for development as a Gypsy and Traveller site due to its location adjacent to a busy and noisy highway'. It was also discovered that the boundary line used to portray the dimensions of the site was inaccurate. These are only a sample of the many reasons confirming this site as being unsuitable.

I do not understand why, with all the information the Council had at its disposal, the land adjacent to Ellsbridge House ended up being one of 6 preferred sites.

In conclusion, I would like to say that I was cautiously excited when I saw the press releases. I was excited on reading that the land adjacent to Ellsbridge House was one of three sites being rejected but cautious when I read another press release saying it was almost certain that the sites would be rejected. After months of uncertainty and worry, of time being spent writing statements, attending meetings and dealing with queries and concerns, the question I would like an answer to is, has the site been rejected?

**Provisional Cost Appraisal for Gypsy & Traveller Site to be located at the former Stanton Wick Colliery Site, BS39 4BU**

**Summary- 21st August 2012**

**Background**

GT2 Old colliery Buildings, Stanton Wick is one of six preferred sites. A request was made by Planning Services to Property Services on 14th August 2012 to provide cost estimates for the application of this site for use as:

1. 20 pitch site
2. 5 Pitch site.

**Constraints**

1. Due to the tight time constraints, no site inspection has been possible.
2. The three red brick colliery buildings are to remain. Due to issues connected to configuration of pitches, the effect of this has been that the respective footprints and immediate surrounding area cannot be included within the overall pitch allowance.

**Assumptions**

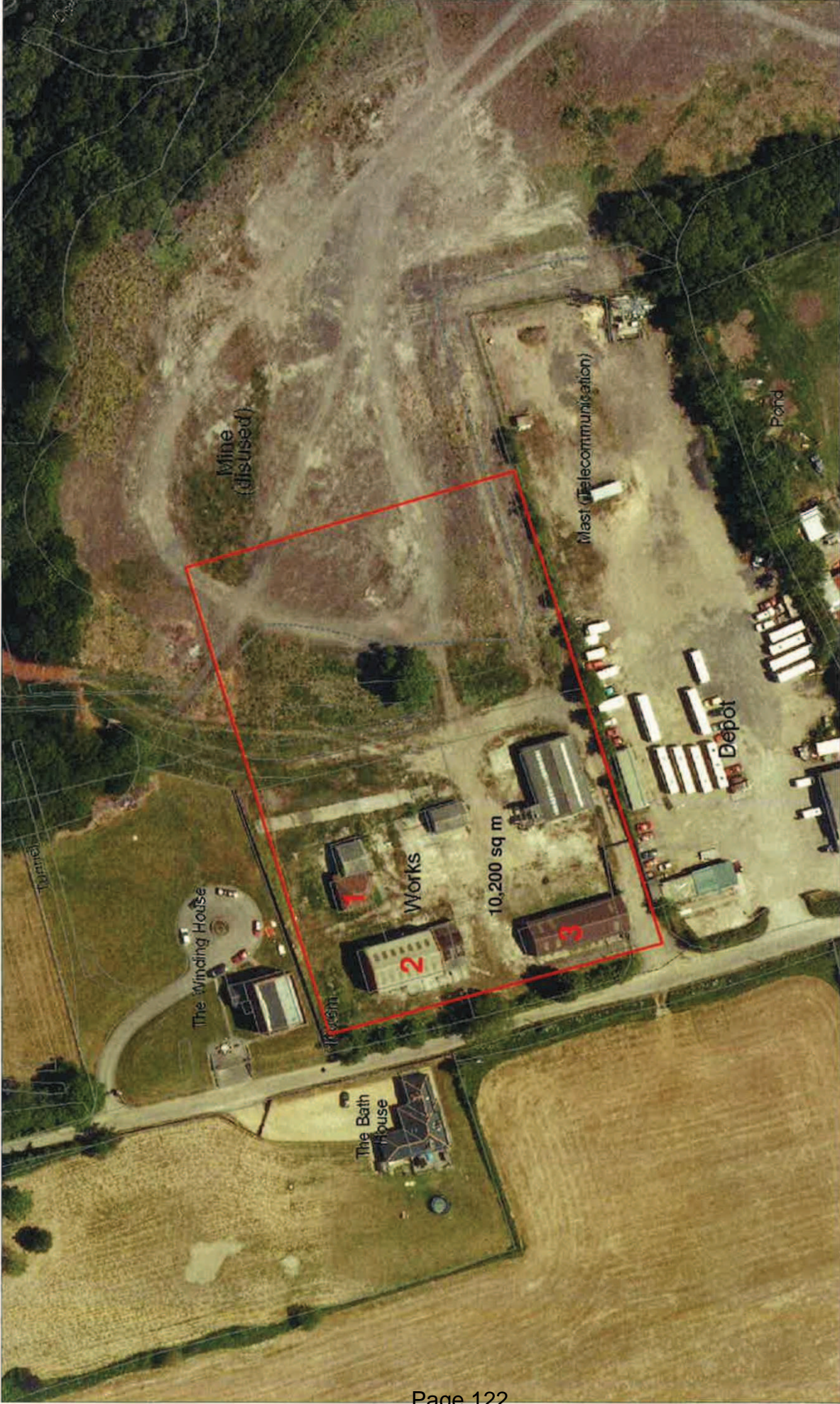
1. For the appraisal of the 20 pitch site, a total site area of 10,200 square meters has been assumed based on an allowance of 500 square meters per pitch which has been advised includes internal & external circulation, amenity, communal space and administration. This includes a depth from Wick Lane of 120m and a width of 85m.
2. For the appraisal of the 5 pitch site, a total site area of 3825 square meters has been assumed based on same allowance as above. The constraints detailed above in connection with the remaining buildings have a proportionately larger effect on this site. This includes a depth from Wick Lane of 45m and a width of 85m.
3. Due to the inconclusive nature of the contaminated land survey report, several assumptions have been made. These include:
  - a. Areas for gardening/landscaping - to dig to depth of 1m and replace contaminated material with imported subsoil & top soil.
  - b. Areas to be concreted (hard standings, footprint of buildings & play areas)- these have been graded to regulate existing contours. The contaminated material has not been removed but concreted over. In the case of the play areas, these have thereafter been surfaced appropriately.
  - c. Areas occupied by access roads- these have been excavated to a depth of 0.5m to remove contaminated material before surfacing with normal Macadam construction.

4. An allowance has been made for the refurbishment and reuse of existing buildings numbered on the plans 1-3. Due to the scale and size of these buildings, it remains uncertain as to their potential use.
5. An allowance has been made for the demolition of all other existing buildings on site.
6. A new access road is assumed with a junction from Wick Lane sited between Buildings 2 & 3.
7. Issues raised by the Highways Departments, such as provision of a visibility splay, amendments to the Traffic Regulation Order, improvement of visibility at the Stanton Wick Junction with the A368 and provision of additional passing places have been allowed for.
8. It is understood the richest ecological habitats are to be found in the south of the site which is not being utilised. No special allowances have therefore been made.
9. It is understood that there are two mine shafts on the site, one of which has been capped. It is assumed that the state of remaining shaft is currently acceptable otherwise it would similarly have been capped but £10,000 has been allowed for this should it occur.
10. An allowance has been made for new services to include LPG for the gas element. It is assumed foul & storm water sewage & \_drainage is accessible from Wick Lane.
11. A contingency allowance of 10% has been included.

### **Recommendations**

1. A more accurate appraisal will be possible with the production of formal layout drawings and specifications.
2. Further investigation into site contamination may vary the cost.





## **Gypsy and Traveller Site at Stanton Wick Colliery Site Estimated cost of development for 20 pitches , 21st August 2012**

### **Basis of Development**

- Site plan 1:2500
- Site plan 1:1000
- Site plan showing contours
- Site assessment report
- SLR contaminated land report
- Ecological appraisal Aerial photograph Coal report
- Cost appraisal
- Viability assessment
- Mine shaft cap
- Schematic Layout
- Prepared for estimate purposes only
- Total site area 10,200m<sup>2</sup>

### **Assumptions**

- For the appraisal of the 20 pitch site,a total site area of 10,200 m<sup>2</sup> has been assumed based on an allowance of just less than 500 m<sup>2</sup> per pitch inclusive of internal and external circulation, amenity, communal space and administration
- Allowances have been made for the refurbishment and reuse of existing buildings numbered 1-3
- Allowance has been made for the demolition of all other existing buildings on the site
- Estimate is based on the Detailed Site Assessment
- Report para 4.2 and annexes B2 and B3
- Allowances have been made for all services
- Current pricing levels with no further allowances for inflation



**Estimate**

Demolition of existing buildings on the site		70,000
Remediation of contaminated land		449,233
Refurbishment of existing buildings to provide day/utility rooms, site manager house and storage facilities		432,000
External services		373,000

**Pitches**

Concrete hardstandings	280,000	
Amenity buildings	390,000	
Garden areas	10,020	
Boundary walls	182,500	
Intermediate fences	16,500	
Set of gates	5,000	884,020

**Play area**

Concrete surface	35,000	
Bouncy' paving	25,000	
Playground equipment	6,000	66,000

**Roads**

Roads	192,000	
New junction	25,000	217,000

**Road frontage**

fencing and gates	4,850	
landscaping	29,500	34,350

**Off-site works**

Access to A368		50,000
		<u>2,575,603</u>

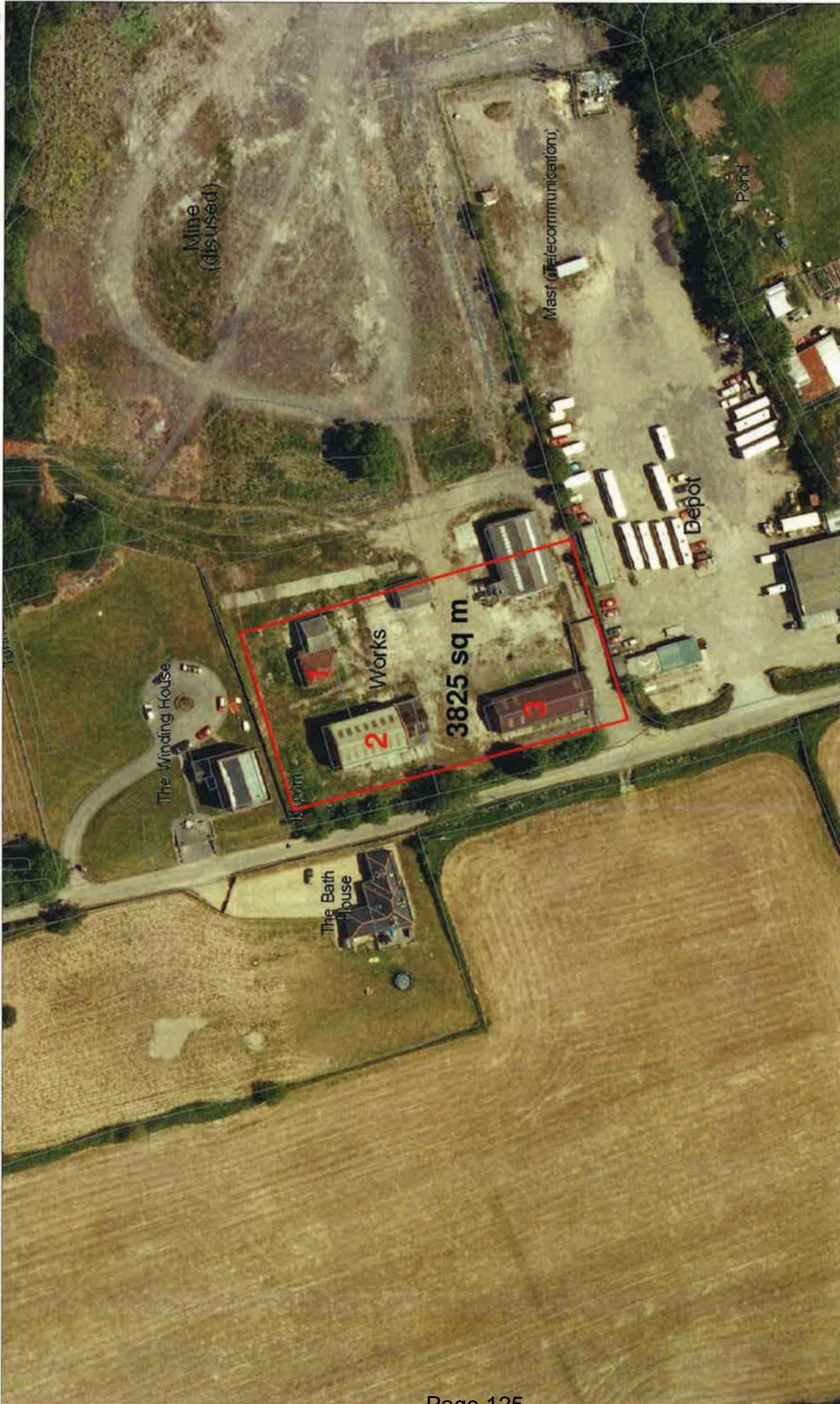
**Preliminaries**

12.5%	<u>321,950</u>
	2,897,553

Allowance for specialist surveys, investigations and scheme design	15%	434,633
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Further allowances for contingencies and design risk	10.0%	289,755
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**TOTAL SCHEME COST****£3,621,942**



GT2 Stanton Wick Colliery Site 5 Pitch Appraisal  
Scale 1:1250 22 August 2012

## **Gypsy and Traveller Site at Stanton Wick Colliery Site Estimated cost of development for 5 pitches , 21st August 2012**

### **Basis of Development**

- Site plan 1:2500
- Site plan 1:1000
- Site plan showing contours
- Site assessment report
- SLR contaminated land report
- Ecological appraisal Aerial photograph Coal report
- Cost appraisal
- Viability assessment
- Mine shaft cap
- Schematic Layout
- Prepared for estimate purposes only
- Total site area 10,200m<sup>2</sup>

### **Assumptions**

- For the appraisal of the 5 pitch site, a total site area of 3,825 m<sup>2</sup> has been assumed based on an allowance of just less than 500m<sup>2</sup> per pitch inclusive of internal and external circulation, amenity, communal space and administration
- Allowances have been made for the refurbishment and reuse of existing buildings numbered 1-3
- Allowance has been made for the demolition of all other existing buildings on the site
- Estimate is based on the Detailed Site Assessment Report para 4.2 and annexes 82 and 83
- Allowances have been made for all services
- Report para 4.2 and annexes B2 and B3
- Current pricing levels with no further allowances for inflation



**Estimate**

Demolition of existing buildings on the site		70,000
Remediation of contaminated land		157,232
Refurbishment of existing buildings to provide day/utility rooms, site manager house and storage facilities		432,000
External services		95,000

**Pitches**

Concrete hardstandings	70,000	
Amenity buildings	97,500	
Garden areas	2,505	
Boundary walls	45,625	
Intermediate fences	4,125	
Set of gates	1,250	221,005

**Play area**

Concrete surface	35,000	
Bouncy' paving	25,000	
Playground equipment	6,000	66,000

**Roads**

Roads	76,800	
New junction	25,000	101,800

**Road frontage**

fencing and gates	4,850	
landscaping	29,500	34,350

**Off-site works**

Access to A368		50,000
		<u>1,227,387</u>

**Preliminaries**

12.5%	<u>153,423</u>
	1,380,810

Allowance for specialist surveys, investigations and scheme design	15%	207,122
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Further allowances for contingencies and design risk	10.0%	138,081
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**TOTAL SCHEME COST****£1,726,013**

**Statement to B&NES Cabinet 12 September 2012 by BATH PRESERVATION TRUST**

**Item 15 Neighbourhood Planning**

I continue to be Alan Langton. I am the Widcombe Association representative on the Fobra Localism Sub Committee but speak now solely as a Trustee of the Bath Preservation Trust.

The revised Neighbourhood Planning Protocol has introduced a greater degree of balance and we are pleased to see that enforcement gets a mention and there is a specific section on Heritage Assets.

My substantive comment relates to that section.

It is astonishing that this section does not mention the World Heritage Site. World Heritage Sites are described in the NPPF (para 132) in the category of heritage assets of the highest significance. People considering neighbourhood plans need to know the extent of the World Heritage Site, to understand what makes the Site significant, and to appreciate that special considerations apply across the World Heritage Site.

We therefore recommend that the World Heritage Site must be adequately referenced in Part 3 of the Neighbourhood Planning Protocol before adoption in order to make it fit for purpose.

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## Statement to B&NES Cabinet 12 September 2012 by BATH PRESERVATION TRUST

### Item 16 Core Strategy

I am still Alan Langton and speak as a Trustee of the Bath Preservation Trust. For your information I might also declare that I am a professional planner, now retired from practice in England, with extensive experience of public inquiries and examinations in public. At the Trust we have read the various items coming from the Inspector with interest.

We believe the most important point for the Council to note is that determining housing supply is a 2-stage process. First it is important to establish the NPPF compliant housing NEED as your report tonight rightly makes clear. The second stage, however, refers to how you are going to meet that need. It is possible, as tonight's report acknowledges (Appendix para 3.2) to fall short of meeting the need, if you can provide evidence to show that fully meeting the housing need would result in adverse impacts which would significantly and demonstrably outweigh the benefits (NPPF, 14). The two stage process substitutes for the previous 'top down' process of having to meet a figure in the Regional Spatial Strategy. The rationale is that this two stage process will either result in the assessed number being met or quantify the shortfall so that the slack may be taken up elsewhere. It is important not to carry forward the mindset of the RSS approach in which the allocated figures simply had to be accommodated.

This is absolutely central for Bath, and we are concerned that the phrasing of Appendix para 3.2 of your report suggests it is merely something of a last resort. For Bath at least, given its unique status as a city-wide World Heritage Site in a landscape setting, there are very significant constraints with a strong evidence base. These constraints cover both heights of developments and spatial allocation beyond the City boundary. We would suggest that once the housing numbers are determined, a robust argument should be developed in relation to the limitations on Bath's development, and then consider the impact which this has (positive or negative) on housing allocations in the rest of the district or indeed elsewhere in the region.

I should emphasise that the Trust recognises the need for housing development in Bath and supports the building out of Western Riverside and development of the 3 MOD sites for this purpose, as well as encouraging windfall development and increased purpose-built student housing.

We are happy to act as a 'critical friend' on any preparatory work on housing numbers before and of course during the consultation phase.

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