

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL**

Thursday 23rd August, 2012

**Present:-** Councillors Marie Longstaff (Chair), Caroline Roberts (Vice-Chair), Malcolm Hanney, Geoff Ward, Ian Gilchrist, Nicholas Coombes and Douglas Nicol

**Also in attendance:** Simon De Beer (Policy & Environment Manager) and Sue Murtagh (Green Infrastructure and Partnerships Coordinator)

Cabinet Member for Homes & Planning: Councillor Tim Ball

#### **29 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

#### **30 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

#### **31 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor David Martin had sent his apologies to the Panel, he was substituted for the duration of the meeting by Councillor Nicholas Coombes.

#### **32 DECLARATIONS OF INTEREST**

There were none.

#### **33 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

#### **34 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

Mr Mike Wheeler, South West Transport Network made a statement to the Panel on the subject of the Rail Decentralisation programme, and Bristol's 'City Deal'. A full copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

As section 4.11.6 Future Decentralisation (p.122) of the ITT allows, we urge the Government to include the following addenda as an amendment, considering the status of the Rail Decentralisation programme, and Bristol's 'City Deal'.

We call upon the neighbouring Local Authorities to form a Rail Board or risk the Government imposing a quango upon us.

We also seek the following actions as part of the plans for devolution.

- Explicit information on Bristol's 'City Deal' & the Rail Decentralisation status.
- The immediate transfer of the Government's rail officer to the region, and a requirement for the employment of Directors of both Rail & 'Bus/Tram locally.
- Insist Revenue Support for new services beginning 2016-19 (£900k p.a. /line) utilises the Precept model of e.g. TfL & MerseyTravel.
- A good model for the Greater Bristol Transport Board is Liverpool's MerseyTravel, with its multi-mode, multi-magnitude network. It has been very effective in developing & funding services.

Broadly, we envisage new Transport Boards having jurisdiction over the following rail details:

- Specification for devolved services.
- Setting Fares for devolved services.
- Station/On-train staffing levels for devolved services.
- Rolling Stock procurement.
- Service Contract award & management.
- Specifying local subsidy – Precept.
- Development of local infrastructure.
- Station developments & maintenance (inc. disabled access).
- Ticket Office opening hours/re-instatement.
- 'Smart-ticketing' Options.
- CCTV & safety assurance.
- Shelters & information.
- Revenue Protection Staff placement.
- BTP Liaison.

The Chairman asked for the statement to be passed to Councillor Roger Symonds, Cabinet Member for Transport.

Councillor Geoff Ward asked if he felt he had been able to find the most appropriate officers to address.

Mr Wheeler replied that there appeared to be a breakdown in communication with officers at the West of England Partnership. He added that one local Council continues to veto these proposals.

## **35 CABINET MEMBER UPDATE**

Councillor Tim Ball, Cabinet Member for Homes & Planning was present and stated that he would make a statement to the Panel under agenda item 8.

The Chairman thanked him for his attendance and wished for it to be recorded that neither Councillor David Dixon, Cabinet Member for Neighbourhoods or Councillor Roger Symonds, Cabinet Member for Transport were present, had given their apologies or had submitted a written report to the Panel. She also questioned why a Divisional Director was not present.

## **36 GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD): RESPONSES TO CONSULTATION AND ISSUES ARISING**

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 sight 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 have been 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 have simply been 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.
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- 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 Committee's 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 Huggett, Chairman of 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 greenfield and not brownfield 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 including the 17 dropped in May and the three sites where indications have been given that they may be dropped in September

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.

### **37 BATH & NORTH EAST SOMERSET CORE STRATEGY: INSPECTOR'S PRELIMINARY CONCLUSIONS AND REVIEW OF THE LOCAL DEVELOPMENT SCHEME**

The Policy & Environment Manager introduced this item to the Panel. He informed them that the examination into the Bath & North East Somerset Council Core Strategy had been suspended in light of the Inspector's preliminary conclusions. This will enable further work to be undertaken to address the concerns raised by the Inspector. He added that the Inspector's most substantive issue of concern relates to the housing requirement for the district. The Inspector is of the view that the publication of the National Planning Policy Framework (NPPF) during the course of the hearings rendered the B&NES methodology for assessing housing target non-compliant with national policy. He therefore stated that he could not come to a conclusion on the level of housing that should be planned for.

The Policy & Environment Manager then spoke of the decision to suspend the examination. He said that the reason why suspension was favoured over withdrawal was because the Government had urged Local Authorities to ensure that an up-to-date Plan was in place as quickly as possible (NPPF para 184). He added that the delay to the Core Strategy had significant implications for the Council. It would delay the preparation of CIL potentially affecting CIL income from April 2014 and it would delay the adoption of other Plans currently under preparation. It may have an impact on housing delivery because of the delay in providing clarity and direction for key development sites. A suspension would entail less of a delay than a complete withdrawal.

Furthermore, a withdrawal would mean the removal of the entire emerging policy framework in the Core Strategy requiring the Council to fall back on less up-to-date

Local Plan policies and the NPPF. Even those emerging Core Strategy policies which are potentially sound would be lost.

The Chairman asked what other elements of the Council's work will be affected by the delay to the Core Strategy.

The Policy & Environment Manager replied that the decision affects the Placemaking Plan, Gypsies & Traveller Sites, CIL, Neighbourhood Planning SPD and Sustainable Construction SPD.

Councillor Malcolm Hanney commented that population figures for the area are now predicted to be much lower and therefore questioned the need for further housing. He also asked who made the decision to suspend the examination.

The Policy & Environment Manager replied that population figures are now expected to be substantially lower and that the Inspector had been informed of this. He added that the affordable housing capacity also has to be met. He stated that the decision to suspend the examination was taken at a meeting of the Informal Cabinet.

Councillor Nicholas Coombes asked how the new housing figures would be calculated.

The Policy & Environment Manager replied that the Council would use the latest Census data and seek the use of expert demographers to aid it on this matter. He added that he would be happy to bring the methodology to the Panel and the Local Development Framework (LDF) Steering Group.

Councillor Geoff Ward asked if the Inspector made any comments in relation to the proposed Gypsy & Traveller sites.

The Policy & Environment Manager replied that he had asked for our plans but had made no comment on them.

Councillor Malcolm Hanney asked if the minutes of the LDF Steering Group could be shared with the Panel.

The Policy & Environment Manager replied that he saw no reason why this should not be possible.

The Chairman thanked him for the update on behalf of the Panel and stated that she looked forward to receiving further information as and when it became available.

## 38 NEIGHBOURHOOD PLANNING PROTOCOL FOR BATH & NORTH EAST SOMERSET - ADOPTION DRAFT

The Policy & Environment Manager introduced this item to the Panel. He explained that the Localism Act (November 2011) and the Neighbourhood Planning Regulations (April 2012) facilitates new community-led planning rights which will enable communities to undertake their own Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build projects. He added that the new legislation also introduces new planning duties on Bath & North East Somerset to support these new rights.

He informed the Panel that a number of local groups in B&NES had already received in-kind support from some of the national agencies funded to assist with Neighbourhood Planning. In particular, B&NES has one of the Neighbourhood Planning National Frontrunners (Freshford & Limpley Stoke Parishes) – this cross border Neighbourhood Area has received a grant of £20,000 from the government to support the development of their Neighbourhood Plan as a result of a successful funding bid led by B&NES Council.

Councillor Nicholas Coombes wished to make some comments on the *My Neighbourhood* document.

He felt that Ward Councillors should be included as part of Figure 2 on page 10.

He believed there was a typographical error on page 11 and that the first bullet point in the box entitled Level 3 should read 'Fall marginally below the thresholds for Level 1 and 2'.

On page 22, Figure 5 he suggested that the word 'minority' be inserted in the section entitled Faith, Ethnic and Language groups to read 'Further work needs to be done to ensure that minority faith, ethnic and language groups are engaged and informed in the planning process. Many organisations representing minority faith, ethnic and language groups will be routinely consulted.'

He also asked for clarification on whose decision it was to approve Neighbourhood Forums and Neighbourhood Area Applications.

The Policy & Environment Manager thanked him for his comments and replied that the current advice that he had was that the decision was to be a Cabinet function.

Councillor Nicholas Coombes replied that he felt it should be a decision made by Full Council.

Councillor Malcolm Hanney commented that he felt that Full Council should have a view on the process, but was reassured that not huge numbers were making moves on the matter.

Mr Rae Harris commented that in previous drafts of the document there had been a lack of detail in relation to local preservation trusts. He asked how a neighbourhood could be highlighted.

Councillor Nicholas Coombes replied that members of preservation trusts will not always live within the same area and therefore they would require some front facing members to put an application forward.

Councillor Malcolm Hanney advised Mr Harris to make a statement at the next Cabinet meeting.

The Panel **RESOLVED** to:

- (i) Note the amendments to the draft in Appendix B.
- (ii) Note the results of the consultation (Appendix C), Localism e-survey results (Appendix D) and summary of community interest in take up of Neighbourhood Planning (Appendix E).
- (iii) Note the new application forms for Neighbourhood Forums in Bath and Neighbourhood Areas for Town and Parish Councils wishing to take forward a Neighbourhood Plan (Appendices F and G), which are due to be published in September 2012.

## **39 GREEN INFRASTRUCTURE STRATEGY**

The Green Infrastructure & Environment Partnership Co-ordinator introduced this item to the Panel. She explained that a healthy, properly functioning natural environment is the foundation of sustainable economic growth, prospering communities and personal wellbeing. She added that Core Strategy policy CP7 on Green Infrastructure addresses the issue and sets out a requirement to protect and enhance the Green Infrastructure network across the district.

She then wished to highlight some of the key points from within the report.

The strategy will also provide the supporting framework to access funding sources external to the council including health, Water Framework Directive funds and a platform for bidding for heritage Lottery funds or similar. Opportunities also occur through Development Management processes to influence allocation of Community Infrastructure Levy (CIL) and Section 106.

The Bath & NE Somerset area benefits from a unique and outstanding natural environment. This Strategy is about harnessing and sustaining the full benefits of these invaluable assets and offering cost effective, practical solutions to make a significant contribution to delivering the Councils vision and values.

The strategy is being developed by the Planning Policy & Environment Group within Planning & Transport Development with support from a cross council officer working group and was informed by early stakeholder engagement in 2011. Once the Strategy is approved by the Council the details of who will do what and by when, will be worked up in the Delivery plan.

The overall response received during the recent consultation on the draft strategy was very positive. The draft was well received and there was strong support for the

need for a strategy and endorsement of the importance of GI in achieving sustainable development.

Councillor Caroline Roberts commented that she felt an expansion of the Avon Valley Railway down as far as Newbridge would be detrimental and called for a balance to be found on developments such as this.

The Green Infrastructure & Environment Partnership Co-ordinator replied that Task & Finish Groups would look to find sustainable solutions.

Councillor Geoff Ward commended the strategy as it would lead to further tourism and give openness to the City.

The Green Infrastructure & Environment Partnership Co-ordinator commented that it is not the expectation that the Council should deliver the strategy solely, other land owners will be sought to manage their sites in an agreed manner.

The Chairman on behalf of the Panel thanked her for the report and her attendance at the meeting.

#### **40 PANEL WORKPLAN**

The Chairman introduced this item to the Panel. She requested that a report on the Core Strategy Methodology be added to the workplan so that they could monitor the next stages of the process.

She also wished to highlight the request for Cabinet Members to provide a written report to the Panel if they are unable to attend the meeting in person.

The Panel agreed to have a small scale update on the Gypsies & Travellers item at their September meeting.

The meeting ended at 2.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**