

* 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 13th not 5th 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~~ ^{even} starting of a new nursery of which the Council was aware.