

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

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

Tuesday 15th January, 2013

**Present:-** Councillors Marie Longstaff (Chair), Caroline Roberts (Vice-Chair), Geoff Ward, Ian Gilchrist, David Martin, Douglas Nicol and Liz Richardson

Cabinet Member for Homes & Planning: Councillor Tim Ball  
Cabinet Member for Transport: Councillor Roger Symonds

**Also in attendance:** Simon De Beer (Policy & Environment Manager), Peter Dawson (Group Manager for Planning Policy & Transport), Cathryn Humphries (Neighbourhood Environment Manager), Aled Williams (Environmental Protection Manager) and Kelvin Packer (Service Manager for Highways & Parking)

#### **79 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

#### **80 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

#### **81 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **82 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972**

There were none.

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

There was none.

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

Mr George Bailey had submitted two questions to the Panel. They are set out below.

**Question 1:**

Firstly, a brief history:

May 2012: Report is completed and available to this Council.

August 30th 2012: Three of us met Cllr. Roger Symonds to discuss it, but heard nothing.

October 10th 2012: Statement made to Cabinet, but only response received is that it will be discussed at the Cabinet meeting in early December.

November 13th 2012: Requested confirmation that it would be discussed in December and it was agreed.

December 5th 2012: Cabinet did not discuss the Report

Please confirm that the Report will be discussed tomorrow at Cabinet and that the objections to the methods will be answered.

**Question 2:**

In November, Paul Crossley, Leader of this Council, declared that he would also lead Norton Radstock Regeneration as a Director. This results in him being a Director of an organization which will soon be applying for Planning Permission as well as leading the Council, which can agree or deny that permission.

I therefore contend that this represents a conflict of interest and look forward to receiving a clarification from this Committee.

Mr Bailey added that with regard to question one, Councillor Roger Symonds, Cabinet Member for Transport had indicated to him just prior to the meeting that the item was on the Cabinet agenda and saw no reason why at this stage it would be removed.

The Chairman replied that the questions had been sent to the Divisional Director for Planning and Transport and the Council's Monitoring Officer and that Mr Bailey should expect to receive a written response within five working days of the meeting.

The Chairman invited Councillor Gerry Curran to speak in his role as Chairman of the Development Control Committee with regard to question two.

Councillor Curran commented that when Councillors have previously submitted applications, either on a personal or professional basis, they are always judged openly and with full accountability.

The Chairman announced that the Panel had also received a written statement from David Redgewell regarding the cuts to Transport Services in Bristol, B&NES, South Gloucestershire and North Somerset and a briefing paper from him on Realising the Potential of Greater Bristol's Railways. She said that she would discuss these matters with Cabinet Member and the Vice-Chair of the Panel prior to her next agenda planning meeting.

## **85 MINUTES: 13TH NOVEMBER 2012**

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman.

## **86 CABINET MEMBER UPDATE**

Councillor Tim Ball, Cabinet Member for Homes & Planning addressed the Panel. He stated that his main focus at the present time was on the Core Strategy and was working towards Council considering a revised report in February or March 2013.

He wished to praise the work of all the officers concerned with the Core Strategy and he thanked the Cross-Party Working Group for all of their involvement so far.

He added that as a result of the focus on the Core Strategy, work associated with the Gypsy & Traveller sites had been put on hold. He said he was however aware that an application was being prepared for the site on the Lower Bristol Road.

Councillor Geoff Ward asked if any comment could be given regarding HMO Licensing and Article 4.

Councillor Ball replied only to say that both matters were on-going.

Councillor Roger Symonds, Cabinet Member for Transport addressed the Panel. He stated that with regard to the issue of 20mph zones that the majority of the public who responded in Midsomer Norton did not want them. The public within Queen Charlton however would their area to be moved up the list if at all possible.

He also advised the Panel that an application had been submitted for a further 250 spaces at the Newbridge Park & Ride site. He also posed the query of how the Council could encourage more visitors to use the Odd Down Park & Ride site.

The Chairman on behalf of the Panel thanked them both for their updates.

## 87 URBAN GULLS

The Neighbourhood Environment Manager and the Environmental Protection Manager gave a presentation to the Panel on this item. A summary is set out below.

**No magic wand:** There is no simple solution to the gull issue. The impacts of urban gulls are felt up and down the country and local authorities are using a range of methods to try and mitigate the problem. In the absence of dedicated research we have no guarantee that the methods have a long-term impact so there is a need to use public funds prudently.

**The facts – 2012:** The Bath gull colony was made up of 1108 breeding pairs and had grown by 5.8% since 2011- the lowest rate of growth since 1998.

The Keynsham colony had grown from 12 breeding pairs to 46 breeding pairs (4x increase).

The MSN/Radstock colony had grown from 16 breeding pairs to 85 breeding pairs (x5 increase).

**The conundrum...** Rural colonies are in decline but urban colonies are thriving. They have an easy food source inland and the landscape of the city is welcoming for them to live in.

**Culling? The issues to consider:** Legal / Practical / Public relations

The Herring Gull is included in the UK list of priority species and habitats by DEFRA (Department for Environment, Food & Rural Affairs).

What benefit would actually be achieved?

**Our existing intervention methods:** A bird of prey has been flown for at least 5 years together with handler playing gull distress calls. This is an attempt to deter birds from securing territories. We have mixed evidence as to how effective this is.

Replace real eggs with dummy eggs (54 eggs were replaced last year, negligible further egg laying).

Attend regional meetings on gulls.

Waste bag trial for domestic refuse – This has been a success in New King Street and the programme is set to expand.

Trade waste – The amount of notices served on businesses for leaving their waste out for too long has doubled in the last year.

The Council has no statutory duty with respect to gulls

**An uncertain future...** A co-ordinated strategy? / National research? / B&NES Council MTSRP?

The MP for Bath, Don Foster has approached the Business Improvement District to discuss how funding could be raised to carry out some dedicated research.

In the current Medium Term Service and Resource Plan (MTSRP) there is a proposal to reduce / delete part of the Pest Control Service and this would obviously have an impact on what the Council could do.

The Chairman commented that she felt that this was a serious problem for the Council and suggested working with neighbouring authorities to attempt to tackle the problem.

The Environmental Protection Manager replied that they do work with the Severn Estuary Group and are aware how much the gulls feed at the landfill sites in Emersons Green and Gloucester

The Neighbourhood Environment Manager said that a figure of £400,000 - £500,000 would be required to fund the dedicated research project and that through large companies such as supermarkets funding partners would need to be identified.

Councillor Geoff Ward commented that he felt that the gulls were a noise nuisance for visitors and residents and that their feathers and droppings were a health concern. He called for the need of a co-ordinated plan and stated that closure of any part of the Pest Control Service would be detrimental to the Council. He added that he commended the new refuse bags and bins within the City.

The Neighbourhood Environment Manager replied that the Council was doing all it practically could to make property owners aware of the situation. She added that the majority of businesses do not see it as their problem to solve.

Councillor Liz Richardson commented that food recycling appears to be very well done within B&NES and asked why so much food was available to them in Gloucester.

The Environmental Protection Manager replied that the birds are very clever and know exactly when to feed at the site. He added that Gloucester may need to change their policy on landfill in some way.

Councillor Caroline Roberts also welcomed the success of the new refuse bags and asked if they had had any effect on the time / cost of collections.

The Environmental Protection Manager replied that he had no data to hand on that matter but felt it would be fairly comparable in terms of cost and time.

Councillor Douglas Nicol asked if the bags truly were robust enough.

The Environmental Protection Manager replied that they were proving to be very scavenger resistant and that the true test would be during the gull's breeding season.

Councillor David Martin asked who would arrange the communication to the public on the expansion of the refuse bag scheme.

The Neighbourhood Environment Manager replied that Waste Services would be handling the expansion of the scheme and advising on where to store food waste.

Councillor Gerry Curran addressed the Panel. He commented that stopping the gull's access to food would be key and called for further controls on the disposal of commercial food waste. He also suggested that the egg replacement programme should be further resourced.

The Environmental Protection Manager thanked Councillor Curran for his comments but explained that egg replacement is a chargeable service and therefore relies on property owners or businesses requesting the service.

The Chairman thanked the officers for their presentation and suggested an update be given to either the May or July Panel meeting.

## **88 CORE STRATEGY UPDATE**

The Policy & Environment Manager introduced this item to the Panel. He explained that the Core Strategy examination had been suspended in response to concerns raised by the Inspector primarily about the sufficiency of the District's housing land supply. This enabled the Council to undertake further work on the Core Strategy including a review of the District's housing need. The review is underway and will lead to changes to the Core Strategy to be considered by Council in February or March 2013.

The Chairman asked if the National Planning Policy Framework (NPPF) housing requirement assessment had been concluded.

The Policy & Environment Manager replied that it was not complete yet. He added that a number of factors remained under revision, these included Economic Growth, Retirement and Student Growth.

The Chairman asked if the Council could have foreseen this problem any earlier.

The Policy & Environment Manager replied that the NPPF amendments were made during the initial Inspector's hearing. He added that the Inspector had given a prior warning regarding the use of Brownfield sites in mid-2010 prior to the January 2011 hearing.

The Chairman invited Peter Duppa-Miller to address the Panel.

Mr Duppa-Miller commented that he was very grateful to the officers for visiting the Parishes this month. He asked if the review of the Strategic Housing Market Assessment (SHMA) was for B&NES only.

The Policy & Environment Manager replied that it was.

Councillor Caroline Roberts asked if the Bath Rapid Transit (BRT) would be removed from the strategy.

The Policy & Environment Manager replied that it would.

Councillor David Martin asked if the timescale for adoption within the report was achievable and how much the Core Strategy process had cost the Council so far.

The Policy & Environment Manager replied that he felt the timescale for adoption was achievable. He added that he could not give an answer at this point regarding the cost of the process, but would attempt to respond to the Panel after the meeting.

Councillor Dave Laming addressed the Panel. He asked for the word 'homes' to be used instead of 'houses' when discussing this matter as mobile homes, residential moorings and apartments were now eligible for the New Homes Bonus.

Councillor Geoff Ward wished to commend the work of the officers and the Local Development Framework (LDF) Steering Group. He added that he was surprised that the formula for home numbers had not been completed and asked for the Green Belt to be protected as much as possible.

The Chairman on behalf of the Panel thanked the Policy & Environment Manager for the update.

## **89 GYPSY & TRAVELLER SITES UPDATE**

The Policy & Environment Manager introduced this item to the Panel. He informed them that the LDF Steering Group had agreed that, particularly in light of the need to focus on the Core Strategy, the timetable for progressing this work had been extended. It was now anticipated that the 'stock take' report would be presented to Cabinet in May 2013.

Councillor Liz Richardson asked for clarification of why there was a figure of £1.8m in the budget for this work last year.

The Policy & Environment Manager replied that the figure was for site implementation.

Councillor Geoff Ward commented that this matter had first appeared on a Panel agenda in November 2011. He asked how much money had been spent on the project so far.

The Policy & Environment Manager replied that he could not give an answer at this point regarding the cost of the project, but would attempt to respond to the Panel after the meeting.

Councillor Tim Ball, Cabinet Member for Homes & Planning addressed the Panel. He commented that this matter had been snubbed by many of the previous ruling parties and that he would work with the LDF Steering Group in order to find appropriate sites. He added that he was hopeful that when the public see the development at the Lower Bristol Road the matter will be received more favourably.

The Chairman on behalf of the Panel thanked the Policy & Environment Manager for the update.

## 90 PLACEMAKING PLAN UPDATE

The Policy & Environment Manager introduced this item to the Panel. He explained that the Placemaking Plan complements the Council's Core Strategy by setting out the development aspirations and the planning requirements for the delivery of key development sites, and updating and reviewing the planning policies used in the determination of planning applications.

He added that for communities, including Parish and Town Councils, engagement in the Placemaking Plan will be a less onerous process than producing their own Neighbourhood Plans, whilst still achieving similar outcomes. For the Council, it will enable a better use of its resources, and ensure comprehensive District wide coverage of planning policy. The Planning Policy team have already been working with the Parish and Town Councils towards this end, with a second workshop planned for 2nd February 2013.

He said that a report on the matter was due to be discussed at the March Cabinet meeting.

The Chairman asked if the Panel could receive a report prior to the Cabinet meeting.

The Policy & Environment Manager replied that they could.

Mr Peter Duppa-Miller commented that the Local Councils Association recognised the need to work together on this matter.

Councillor David Martin asked as Bath is not a Parish how would it become engaged in the process.

The Policy & Environment Manager replied that he was not able to answer that at the present time.

Councillor Dave Laming commented that he hoped the Plan would be flexible enough to accommodate proposals from the Rivers Trust Board.

The Panel **RESOLVED** to note the report and the proposed timetable for the different phases of the Placemaking Plan. It also requested a report be written for its March meeting so that it could address the matter further prior to the Cabinet meeting.

## 91 BATH TRANSPORT CONFERENCE OUTCOMES

The Group Manager for Planning Policy & Transport introduced this item to the Panel. He spoke of how there was a recognised need for a clear and succinct articulation of what the Council's Transport Strategy should be for Bath and that the strategy was key to delivering economic growth and sustainable development as set out in the Councils Draft Core Strategy.

He added that the Council has a very good record in delivering many elements of transport policy, although there are some outstanding issues that need to be



addressed. The controlled parking zones in the city have been key elements in reducing traffic and supporting the Council's very successful Park and Ride offer. The implementation of the Bath Transport Package will significantly increase the amount of spaces available for Park and Ride service. The continued investment in local bus facilities through the Greater Bristol Bus Network major scheme and now the Bath Package will support the continued increase in bus patronage. While the improvements to local rail services through the new Franchise for Great Western Railways and with electrification of the mainline improvement will support the continued growth in rail use into and out of the city.

He commented that some elements of the Bath Strategy had yet to be finalised or solutions identified. These being, the need for a Park and Ride site to the east which is a clear priority, Air Quality remains a serious concern and the intrusive nature of HGVs travelling through the city are issues that need to be addressed.

The Chairman asked if there were any plans for a similar conference for the rest of B&NES.

The Group Manager for Planning Policy & Transport replied that a focussed discussion on the other B&NES areas would be of merit, but stressed that it would have to take place after the Core Strategy work had been completed.

Councillor David Martin suggested that the Panel should have early engagement on any work relating to the Transport Strategy. He added that he hoped ideas from other European cities and Civitas could be incorporated into it.

Councillor Geoff Ward commented that he received weekly correspondence on traffic problems. He added that roads in rural areas are in a poor state and that pinch points need to be addressed.

The Panel **RESOLVED** to note the report.

## **92 HIGHWAYS AGENCY - COUNCIL INVOLVEMENT ON SPEED LIMITS**

The Group Manager for Planning Policy & Transport introduced this item to the Panel. He explained that within B&NES the network of roads that belong to the Highways Agency is fragmented. He stated that the Council does hold regular discussions with them in order to agree ways forward for joint working. He added that Councillor Roger Symonds, Councillor Martin Veal and himself had met with them prior to Christmas to discuss the Hartley Bends and was hopeful that work there would be carried out within 2013.

The Chairman asked if Midsomer Norton does want to progress in the 20mph project could the funding associated with that be transferred to carry out the work suggested on the A36.

The Group Manager for Planning Policy & Transport replied that that would not be possible as the Highways Agency has stated that it wishes carry out the work over a longer stretch of the road.

Councillor Geoff Ward wished to commend the work that had been carried out so far in relation to the Hartley Bends as this was in his Ward. He added that he felt there was a high risk of incidents on that road and that a reduction of the speed limit to 40mph would be welcome.

The Group Manager for Planning Policy & Transport replied that Councillor Veal had raised exactly that point at the meeting to which the Highways Agency replied that they did not feel that the limit would be respected.

Councillor Douglas Nicol and Councillor David Martin both wished to add their support to the proposed speed limit reduction.

Councillor David Martin asked if as stated in the report approximately 5% of road casualties in B&NES occur on the Trunk Road network, the Panel could receive a report to a future meeting on the remaining 95%.

The Chairman said that the Panel could discuss the possibility of such a report during their workplan discussion later in the meeting.

The Panel **RESOLVED** to note the report.

### **93 20MPH SPEED LIMIT UPDATE**

The Service Manager for Highways & Parking introduced this item to the Panel. He explained that due to the requirements of the Traffic Regulation Order (TRO) process and a larger than anticipated response to the consultation only areas 1 and 2 (Twerton and Peasedown) will be completed on site during the financial year for 2012/13. He added that the remainder of the programme was scheduled to be completed in the order listed during 2013/14.

He stated that the consultation results from Areas 3, 4 and 5 had indicated support for the new speed limit and officers were currently designing the scheme and drafting the TRO. He confirmed that Area 6 (Midsomer Norton) had decided not to take part in the programme and that the consultation results from Areas 7 and 8 were currently being evaluated.

He commented that it had been previously established that the £500,000 funding made available for the scheme would not be enough to implement it in full. Accordingly, a sum of £70,000 has been indicated in the draft 2013/14 Transport Capital Programme, however this has yet to be approved.

The Chairman asked if the Panel could be sent the consultation responses that had been received so far.

The Service Manager for Highways & Parking replied that they could.

Councillor Brian Webber addressed the Panel. He described the area of Weston Road as a prime example of where the new speed limit should be enforced.

The Service Manager for Highways & Parking replied he believed that the Police do not have the resources to do so. He added that the programme was not designed to generate income and that it was about making roads safer.

Mr Peter Duppa-Miller addressed the Panel. He commented that with regard to Area 15 (Other residential areas in rural villages) that potentially this could involve up to 42 settlements. He added that he works with two PACT (Police And Communities Together) groups and they currently have a mixed reaction to the programme. He expressed the need for each area to have its own individual scheme.

The Service Manager for Highways & Parking replied that this was a very reasonable request and that officers would do their utmost to act in that way.

Councillor Ian Gilchrist asked if the decision taken by the people of Midsomer Norton would save time and money for the programme.

The Service Manager for Highways & Parking replied that it would.

Councillor Ian Gilchrist asked how residents from outside of a proposed programme area could give their views.

The Service Manager for Highways & Parking replied that informal consultation takes place with residents within the programme area and that once a TRO is issued there is a period of formal consultation to which any member of the public can respond.

Councillor Geoff Ward commented that he welcomed the scheme. He asked if officers were surprised at the level of responses and whether this had affected their regular work.

The Service Manager for Highways & Parking replied that they did expect a high level of responses, but were surprised with how much detail of the programme the public wanted. He added that yes it had affected their regular work.

The Chairman thanked him for the update and reiterated her request on behalf of the Panel to receive the consultation results that had been analysed so far.

## **94 WORKPLAN**

The Chairman introduced this item to the Panel. She gave a summary of the reports that had been mentioned during the meeting.

Placemaking Plan: March

Road Accidents: March

Urban Gulls: May

Highways Agency (A36 / A46): May

Transport Strategy: May

The Panel agreed with these additions to the workplan.

The Chairman also wished to discuss the start time of the meeting. She proposed that future meetings could begin at 9.30am.

After a brief discussion the Panel agreed that from May 2013 their meetings would commence at 9.30am.

The meeting ended at 5.20 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**