

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Monday, 18th June, 2012

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Gabriel Batt, Cherry Beath, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Charles Gerrish, Francine Haerberling, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Eleanor Jackson, Dave Laming, Malcolm Lees, Marie Longstaff, David Martin, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Sharon Ball, Colin Barrett, David Bellotti, Andrew Furse, Ian Gilchrist, Alan Hale, Steve Hedges, Les Kew, Barry Macrae, Loraine Morgan-Brinkhurst MBE and Nigel Roberts

14 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure as set out on the agenda.

15 DECLARATIONS OF INTEREST

Councillor Lisa Brett declared a personal, non-prejudicial interest in item on Gypsy and Traveller site provision as her son attends Snapdragon's nursery.

16 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chairman welcomed everyone to the meeting and reminded people to turn off their phones. He sought and received the agreement of Council for BBC Points West to film a part of the meeting.

The Chairman announced the process that would be followed with regard to questions to be put to the Speakers. Each Group will have a maximum of 13 questions of Speakers which they may address to one or more of the Speakers as they see fit.

The Chairman welcomed Olwen Dutton, partner from Bevan Britton solicitors, who was present to advise the Council.

17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

18 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements to the meeting were made by the following people (when provided, copies will be added to the Minute book);

- Andy Saxton addressed the Council regarding the negative impact the proposals had had on his family life due to their house sale falling through and the consequences of that. He urged the Council to put a stop to the consultation and remove the sites that had no chance of going ahead.
- Peter Duppa-Miller, Secretary of the Local Council's Association, called for a rigorous review of the Assessment of Need. A full copy of Peter's statement is available on the Council's Minute book and attached to the minutes.
- Giles Foster spoke as the owner of a property adjoining the Radstock site. He acknowledged the rights of temporary itinerant residents but felt little regard had been given to long standing residents who had contributed to the life of the community over generations. The Radstock site was too small, with poor access and in the middle of a conservation area. He called for the 'ill-conceived proposals' to be re-thought. In response to a question from Councillor Jackson, Giles clarified the nature of the access difficulties from Bath Old road.
- Catherine Whybrow addressed the meeting and called for the momentum to be maintained. Whilst acknowledging the difficulties with the Radstock site, she urged the Cabinet to identify some official sites soon and pointed out that the cost of official sites would be less than moving Travellers on from unofficial sites. She referenced some statistics regarding reduced life expectancy and raised infant mortality rates within the travelling community in support of her case for pressing ahead.
- Joe Evans from the Campaign to Protect Rural England made a statement calling for a pause in the consultation process pending a new Needs Assessment. In response to a question from Councillor Tim Ball regarding the Duchy of Cornwall and Diocese of Bath and Wells and their ability to offer up land, Joe responded that it was not something they could comment on. A full copy of Joe's statement is available on the Council's Minute book and attached to the minutes.
- Rosemary Collard, Director of Snapdragons Nursery, made a statement outlining her concerns regarding the Ellsbridge House site and the impact that it had already had on her new business. In response to a question from Councillor Hanney regarding whether they would have expected to have been consulted about the preferred site status before 9th May, Rosemary responded that they would have hoped to have been, especially as Children's Services knew of their plans. Councillor Bull queried whether Rosemary had intended to say "considered for designation" rather than "designated", to which Rosemary responded that she was merely a lay person. A full copy of Rosemary's statement is available on the Council's Minute book and attached to the minutes.

- Clive Fricker, Chairman of Keynsham Town Council Planning and Development Committee, raised the concerns of the Committee and called for the plans to be withdrawn pending further needs assessment and consideration of other sites. In response to a query from Councillor Ball as to Clive's views regarding the requirement for all large developments to have 1 or 2 pitches included, Clive said that he had no particular view at present. A full copy of Clive's statement is available on the Council's Minute book and attached to the minutes.
- Tony Heaford, Chairman of Publow with Pensford Parish Council made a statement opposing the Old Colliery site. He explained there had been unanimous support for a petition opposing this as it was in the heart of the conservation area, accessed by a single track road and in green belt. Pensford supported the aims of the Local Plan but didn't think these proposals would meet those aims. Councillor Ball asked Tony if he believed the Council should do its duty by providing gypsy and traveller sites, and Tony replied that it was a legal requirement.
- Judith Chubb-Whittle, Chair of Stanton Drew and Stanton Wick Parish Council, made a statement outlining the reasons why the Old Colliery buildings is inappropriate. Councillor Ball thanked Judith for her hospitality on his recent visit and enquired whether the Parish Council had had a meeting to discuss the call for sites. Judith responded that the documents had been circulated but no meeting had taken place for this purpose. Councillor Hanney asked Judith if she had evidence that the site is contaminated, which could be made available. Judith confirmed that she did have a report. Councillor Hanney also asked Judith if she had details of the issues regarding protected wildlife that had been mentioned. She replied that she knew there was a bat flight path but didn't have further details. Councillor Jackson asked if it was true that the owners of the site had offered it for sale. Judith responded that it was hearsay. A full copy of Judith's statement is available on the Council's Minute book and attached to the minutes.
- Jacqui Darbyshire, a local resident from Stanton Drew, addressed the meeting. She understood that the gypsy and traveller community deserved equal rights, but did not think they should be given an advantage. Applications from travellers should be dealt with in the same way. Jacqui listed a series of objections to development on this site and maintained that legal challenge would be inevitable. She called for a duty of care to be demonstrated to the settled community and asked for the process to go back to square one. In response to a question from Councillor Ball as to whether it would have been more diligent of this Council to have started this process many years ago rather than having to speed up due to criticism from the Inspector, Jacqui responded that we needed to focus on where we are now.
- Paul Baxter spoke regarding the Stanton Wick Old Colliery site. He called for Members to refrain from party political point scoring and to listen to the comments being made. He referred to comments made by Councillors Crossley, Beath and Ball in which he maintained they had nothing good to say about the site other than its size. Councillor Moss asked whether Paul had details of the cost of removing illegal pitches if no official sites were available. Paul responded that a Freedom of Information request he'd put in had produced a figure of £180 + VAT.

Councillor Moss then asked Paul if he was aware that Bristol City Council had had to spend £200,000 on clearing unofficial sites, but that once they had legal sites available, the figure had dropped to approx. £5000. Paul responded that he was glad that Bristol City Council had saved money but asked for consideration of the millions in lost asset value for the properties in the area.

- Richard Harwood, Counsel for Residents' groups on three of the proposed sites (the Old Colliery Stanton Wick, former Radstock Infants School canteen and land near Ellsbridge House, Keynsham) made a statement. He referred to problems with the site selection process relating to the scoring suggesting the criteria had not been followed. He mentioned the lack of amenities available to the Stanton Wick site and the contamination of the land. A full copy of Richard's submission is available on the Council's Minute book and attached to the minutes.

Councillor Ball asked Richard if he was aware of the Inspector's criticism of the Core Strategy that the Council had not identified any sites. Richard responded that he didn't dispute that sites needed to be found. The problem was that the Inspector would wonder how sites nearer the bottom of the scoring list had been selected.

Councillor Hanney asked Richard to confirm if he had acted in the judicial review for the Dale Farm site. Richard confirmed that he had.

Councillor Hanney then asked whether Richard's experience with the Dale Farm case had highlighted problems to avoid in future such cases. Richard responded that 3 main areas were relevant; an accurate and up to date needs assessment, the suitability of the site in meeting the Travellers' needs (health, education, access etc) and a credible process that stands up to scrutiny by the courts but also maintains public confidence.

Councillor Hanney noted that the site had been vacant for some years and enquired if Richard was aware of any particular steps the Council should take with regard to the protected species. Richard responded that the Stanton Wick colliery was in a site of nature conservation interest and any change to that would have a very significant adverse effect. For European protected species, it was necessary to demonstrate that no alternative sites were available for a project to proceed. In his experience, this has been a showstopper in other cases.

Councillor Hanney enquired whether, in Richard's experience, it was practical to develop part of a site without a boundary. Richard responded that it was based on context. Without a definitive boundary, it was easier for disputes to arise as to whether further permission was necessary for expansion.

Councillor Hanney asked for Richard's view of the likelihood of legal risk if the Council develops green belt land. Richard responded that development of green belt land was only permissible in specific circumstances and if no alternatives are available.

Councillor Hanney asked Richard if there was any reason why B&NES should not co-operate with other Authorities to ensure we can meet the needs of the traveller community on suitable sites. Richard responded that national policy does require

co-operation when there is an impact across areas and the Council will have to show it has co-operated with other Authorities and groups such as English Heritage, Natural England etc.

Councillor Hanney referred to the Cabinet decision of 9th May that only new sites will be considered for inclusion and not those already rejected through the initial site assessment, and asked for Richard's view as to whether the Inspector would be satisfied if, at the end of the process, the Cabinet have failed to identify appropriate pitches. Richard responded that the Inspector would need to be satisfied that the results of the consultation had been considered and would also want to know which sites were ruled out.

Council Hanney asked Richard's opinion as to whether legal options were available to Stanton Wick residents if the Old Colliery site remained as a preferred site in the Development Plan document. Richard responded that there would be potential for judicial review, it could be reviewed through the examination process and there was the potential to challenge the adopted plan. He added that the Local Authority paid the Inspector to work on their behalf but it was the Authority itself who had to defend any proceedings.

Councillor Hanney asked whether Richard considered that the fact that the current consultation on the Preferred Options document was not a statutory part of the DPD process would be a sufficient defence to any judicial review that may be sought by one or more of the Action Groups in respect of the Council's processes including the Cabinet's selection of Preferred Sites and/or any claim for compensation that may be made for negligence. Richard responded that it would be a significant part of the process so susceptible to legal challenge.

Councillor Bull commented that this was not a Planning Committee and queried whether considerations such as access, protected species etc were not better dealt with at the planning application stage. Richard responded that, at this stage, the Council had to satisfy itself and the Inspector that it had selected the best sites and be able to show that they were deliverable and, in this regard, the potential costs of challenge on contamination or protected species aspects would be considerable.

Councillor Jackson referred to the 2004 Housing Act and the Secretary of State's right to dictate sites and queried whether it would not be misguided to halt the present consultation when new sites were becoming available as part of that consultation. Richard acknowledged this was important but stated the current process was inexplicable regarding the choice of sites and said the current process didn't need to be abandoned but brought back on track to produce the right deliverable sites.

Councillor Laming queried the use of the term "spike in demand" for pitches when DCLG figures showed a steady rise from 39 in January 2010 to 71 in January 2012. Richard responded that the caravan sites in DCLG consultation are at a very low level and then a spike. These figures are 5 years old. We need to look forward. It's not a reliable exercise that's been carried out. The DCLG figures don't provide an accurate picture.

19 GYPSY & TRAVELLER SITE PROVISION

The Chairman introduced this item and invited Olwen Dutton from Bevan Britton to advise the meeting.

Olwen noted the comments that had been made thus far in the meeting but explained that this did not change the process that the Council had to follow which was governed by legislation. She stated that, whilst Council Members had called this meeting in accordance with provisions within the Constitution, the definitive view on the matter rested with Cabinet. Councillor Hanney asked whether Olwen believed that the draft officer report provided to her and/or the officer report now before Council provide sufficient necessary information and advice to Council as to the implications and risks of the decisions by Cabinet on 9th May 2012 (including but not limited to decision 7 as referred to in his motion) on the DPD and Core Strategy process and as regards potential legal challenges by one or more of the Action groups. Olwen responded that she considered they did.

Councillor Hanney then introduced the item and set out the reasons for calling the meeting and moved a motion (*note 3*), seconded by Councillor Haeberling.

An amendment (*note 2*) was then moved by Councillor Sandry, seconded by Councillor Bevan which, following a recorded vote became the substantive motion, (*note 1*) which was then

RESOLVED

1. To note that Cabinet agreed at its meeting on 9th May 2012 to take forward a list of 6 'preferred' sites for public consultation in a Preferred Options paper;
2. To note that the consultation remains open until 5:00 pm on 18th July 2012;
3. To thank all residents and Councillors for their contributions to the debate surrounding the preferred options consultation including at the meetings of the Cabinet on 9th May 2012 and the Planning, Transport and Environment Policy Development & Scrutiny Panel on 15th May 2012;
4. To ask the Cabinet, when it meets on 12 September 2012, to discuss the B&NES Gypsies, Travellers and Travelling Showpeople sites allocation plan, to consider the views expressed at this meeting and previous meetings, in order to decide whether to take forward specific proposals for consultation.

[Notes -

1. *The above resolution was carried by a named vote with 30 for, 23 against, 1 abstention* **For:** Councillors Allen, Appleyard, Tim Ball, Beath, Bevan, Brett, Bull, Butters, Coombes, Crossley, Curran, Deacon, Dixon, Fox, Hall, Hardman, Hartley, Jackson, Laming, Lees, Martin, Moss, Nicol, Player, Rigby, Roberts, Romero, Sandry, Stevens and Symonds; **Against:** Anketell-Jones, Batt, Blankley, Chalker, Clarke, Davis, Edwards, Evans, Gerrish, Haeberling,

Hanney, Longstaff, Myers, Organ, Pritchard, Brian Simmons, Kate Simmons, Veal, Veale, Ward, Warren, Watt and Webber; **Abstention:** Sparks.

2. *The amendment moved on behalf of the Liberal Democrat group (which subsequently became the substantive motion) was carried by a named vote with 30 for, 23 against, 1 abstention* **For:** Councillors Allen, Appleyard, Tim Ball, Beath, Bevan, Brett, Bull, Butters, Coombes, Crossley, Curran, Deacon, Dixon, Fox, Hall, Hardman, Hartley, Jackson, Laming, Lees, Martin, Moss, Nicol, Player, Rigby, Roberts, Romero, Sandry, Stevens and Symonds; **Against:** Anketell-Jones, Batt, Blankley, Chalker, Clarke, Davis, Edwards, Evans, Gerrish, Haeberling, Hanney, Longstaff, Myers, Organ, Pritchard, Brian Simmons, Kate Simmons, Veal, Veale, Ward, Warren, Watt and Webber; **Abstention:** Sparks.
3. *At the start of the debate, a motion was moved by Councillor Malcolm Hanney on behalf of the Conservative group calling for Cabinet to report back to Council on the appropriateness of a new Needs Assessment, requiring Cabinet to produce a new Scoring Matrix, calling for Cabinet to re-assess sites and asking Cabinet to halt the current consultation while the above actions take place. A copy of the motion is attached to the minutes on the web and held on the Council's Minute book.*

20 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no statements or questions from Councillors.

The meeting ended at 3.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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From: Peter Duppa-Miller

To: Council

Reference: G3226.

Date: 18 June 2012.

GYPSIES, TRAVELLERS and TRAVELLING SHOW PEOPLE.

I am Peter Duppa-Miller – I am speaking as the Secretary of the Bath & North East Somerset Local Councils Association.

The identification of a sufficient number of suitable, authorised, sites for Gypsies, Travellers and Travelling Show People, in order not only to comply with legislation but also to combat the problems arising from the use of unsuitable, unauthorised, sites, is fully supported.

Rather than relying on the 2007 Assessment of the number of required pitches - and on the January and July caravan counts - a rigorous review of the Assessment of Need is very strongly recommended - otherwise there is no sound base from which to move forward.

It is recognised that such a review would require funding – it is also noted that North Somerset Council have commenced such a review, albeit only in their area.

The need for such an up-to-date review is supported by Bevan Brittan's report – in particular in paragraphs 2.1.2, 3.4 and 4.3.

It is also strongly recommended that the identification of suitable sites to the far south of the District (and thus not in the Bristol/Bath Green Belt) should be most actively pursued – thus not only doing away with the need to attempt to demonstrate “very special circumstances” but also removing any non-compliance with paragraph 14 of DCLG's “Planning Policy for Traveller Sites” (March 2012).

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**Re: Bath and North East Somerset Council
Gypsies, Travellers and Travelling Showpeople
Site Allocations Development Plan Document**

12/6/2012

We strongly support the call for a pause in the consultation process pending a new needs assessment. The Government's Planning Policy for Traveller Sites of March 2012 requires a proper needs assessment including consultation and engagement with both settled and traveller communities. It states clearly that Green Belt sites are not suitable for Gypsy and Traveller sites except in exceptional circumstances; it also states that the scale of rural sites should not dominate the nearest settled community. The current 'Preferred Options' document puts forward several sites which are not in conformity with these policies and which scored badly in the Detailed Sites Assessment. By promoting these sites without its own robust and up-to-date evidence base, Bath and North East Somerset Council risks unnecessary disruption to settled communities and damage to the Green Belt; it risks a failure to meet the real needs of Gypsies and Travellers; and it risks expensive and politically damaging legal challenges.

The March 2012 policy requires that planning for Gypsy and Traveller sites should aim to reduce the number of unauthorised encampments. A new needs assessment should therefore examine the current Gypsy and Traveller population, with the aim of authorizing existing sites or creating new sites to meet their actual needs. The Gypsy and Traveller population comprises several distinct groups, with very different needs and cultures. The new needs assessment should therefore include an analysis of the ethnic or cultural backgrounds of the existing population, and should aim to determine which groups are likely to use any new authorized transit pitches.

The current evidence base, the 2007 West of England Gypsy and Travellers Accommodation Assessment, makes it clear that the local Gypsy and Traveller population was at that stage made up of one or two households of Irish Travellers; possibly one household of Romany Gypsies; two households of travelling showpeople; and between 14 and 17 households of New Travellers.

If that remains the case, the current need for permanent accommodation is therefore almost all for New Travellers. The current population of New Travellers is largely based on the Lower Bristol Road site and at a nearby site on Stoney Lane, which is not mentioned in the current consultation documents. These two sites probably comprise the great majority of the local Gypsy and Traveller population and any new authorized permanent pitches would be largely for their use. The first stage of a new needs assessment should therefore be to engage and consult with them. We are aware that Cllr Tim Ball has been meeting

The Campaign to Protect Rural England exists to promote the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

CPRE Avonside Chairman
Georgie Bigg

Registered charity number
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with these groups and we suggest that his work should inform a more structured and transparent process of consultation.

The Stoney Lane site, which currently has around 7 households, has been in place for 10-11 years and enjoys generally good relations with neighbours. We feel that if this site were to become an authorized site, it would remove the need to establish a new site elsewhere.

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Statement regarding land near Ellsbridge House, Keynsham, one of the Council's preferred Gypsy and Traveller sites.

We exchanged contracts on Ellsbridge House, better known locally as Norton Radstock College, in December 2011 and completed the sale in January 2012. We were completely unaware of the proposed use of the site and nothing was revealed by the Council's Planning Department in the solicitor's search even though the purchase took place during the public consultation period.

Towards the end of April, we heard from a local journalist, that the adjacent woodland was being considered as a possible travellers' site and that the proposals were shortly due to be announced to the public. We were contacted by several neighbours who also had no knowledge of this.

We were also concerned to discover that far from being in the early stages of the process, Ellsbridge had already been short-listed from an initial 23 sites and was now one of the preferred 7 sites, since reduced to 6.

Our main concerns are:

1. the council has failed to give proper consideration to the fact that the proposed travellers' site will be adjacent to and share an access with Snapdragons Nursery and Out of School Club
2. the current Consultation Document makes no reference to the fact that the site is adjacent to a children's nursery and the map enclosed within the consultation document shows the adjacent property as 'Ellsbridge House Management and Community Education Centre' when it is now 'Snapdragons Nursery and Out of School Club'. The Council was fully aware of the fact that Ellsbridge House is now a nursery and indeed the matter was extensively discussed at the Scrutiny Panel on 15th May. I believe the Council has been both negligent and misleading in not ensuring the Consultation Document is accurate and provides appropriate information to all parties being consulted on the Preferred Sites
3. before the Council designated the site as a Preferred Site, it should have considered the serious matter of shared access and related highways issues and discussed with us
4. there is currently no existing boundary whatsoever between Ellsbridge House and the land in question and substantial fencing would be required to secure the site and protect the children
5. according to Land Registry documentation, the site boundary for the plot of land next to Ellsbridge House used by the Council's planning consultants in the site assessment report, is wrong and part of the land belonging to Ellsbridge House has been included. Thus the site is smaller than the proposals.
6. as a children's day nursery, we are highly regulated by Ofsted and have a duty to protect and safeguard the children. All staff must have a CRB check and all visitors to the nursery have to be signed onto the premises and escorted. I have to be able to ensure that children cannot be videoed or photographed but most of all that they are safe. Any threats to that will have serious implications under the terms of my registration and insurance
7. the land in question is not covered by dense vegetation but is densely wooded with long, established, mainly deciduous trees and provides an wonderful, natural environment. Destroying the woodland would have a massive impact on the listed property. We had approached Property Services with an expression of interest to rent or buy but had not received a response

8. the issue of the Listed Status of Ellsbridge House and the nature of the mature woodland which is part of its setting should have been given much greater consideration prior to the site being designated as a Preferred Site. We needed consent in order to carry out alterations and have completed these sympathetically in order to maintain the integrity of the building. The plans for the new police centre also had to take account of the impact on the house and appropriate landscaping formed part of the planning regulations. The proposed site will have a huge impact, predominantly because the woodland used to form part of the gardens and follows the natural line of the driveway and in addition is unbordered and highly visible from the front elevations of the house
9. we had over 60 registrations when we first advertised the nursery and this interest has amounted to less than 10 since the sites were made public. When I mentioned concerns from parents to the Planning Consultant, she suggested that I pass them onto her and she would answer their queries.

I am sure that you can appreciate that starting up a new business with the uncertainty of the plans for the adjacent land hanging over us is very worrying. We have invested a substantial amount of money and should this nursery fail, it could put at jeopardy the rest of our business which is supporting this venture. We currently care for over 1000 local children and employ about 150 local staff, particularly in the 18-30 age group. What started out as an exciting project for Keynsham, offering childcare and local jobs, using local services and suppliers could have a devastating impact on a local business that started trading in Wiltshire and Bath in 1998. Keynsham would be our third nursery in B&NES, the other 2 being in Bath and, as a responsible employer, I have a real duty to support the livelihoods of the staff currently employed by me. In the same way as I support and value my staff, I would like the Council to support its local businesses.

I did not ask to have my business put under threat and the time and resources I have spent trying to fight my corner is taking valuable time away from my real passion and that is providing excellent childcare for local children in a safe and secure environment.

Rosemary Collard
Director
Snapdragons Nurseries Ltd

Issue: Gypsies, Travellers and Travelling Showpeople site Allocations Development Plan Document & Consultations

**Respondent: Keynsham Town Council
Planning and Development Committee**



Statement of Representation

in relation to the Gypsies, Travellers and Travelling Showpeople site Allocations
Development Plan Document & Consultations

Clive Fricker

Dated: 14th June 2012

Chairman Planning and Development Committee

[This is the Statement of Representation on behalf of **Keynsham Town Council Planning and Development Committee** (hereinafter referred to as “**KTC P & D Committee**”)

Statement to be presented to Bath and North East Somerset Council (hereinafter referred to as “**BANES Council**”)

1. Introduction

My name is Clive Fricker. I am Chairman of the Council’s Planning and Development Committee.

2. Representation

KTC P & D Committee is very concerned at the lack of adequate communication from BANES Council in respect of this matter before us today. Email communications that have been received have given very little notice to act upon. We believe that communication and consultation in this instance has not been carried out as required by our Parish Charter. The Parish Charter acknowledges that BANES Council will work in partnership with all local councils regarding social, economic and environmental matters for the benefit of local communities.

Much of the Key information in respect of the consultation and procedure for making statements at the Cabinet meeting on 9th May 2012 was provided to us by the Secretary of Bath and North East Somerset Local Councils Association (hereinafter referred to as “Secretary of BANES Local Councils Association) and was not supplied by BANES Council as we contend should have been the case.

The timeline below details the problems that we have encountered due to untimely and poor communication

- The GTTSP Site Allocations Development Plan Document consultation dated 21 November 2011 – 16 January 2012 was issued as a survey and contained no proposed site locations. KTC P & D Committee responded on 21st December 2012
- **Tuesday 17th April 2012** – Having received no further communications from BANES, the Secretary of BANES Local Councils Association telephoned with an urgent message advising that an email that had been sent out from BANES Council advising of 7 proposed sites

- **Wednesday 18th April 2012** - The Secretary of BANES Local Councils Association telephoned advising that a Gypsy & Travelling Communities Awareness Training Event would be held in the Guild Hall on 24th April 2012.
- **Friday 20th April 2012** – Site plans of proposed sites were forwarded to KTC P & D Committee by the Secretary of BANES Local Councils Association after he had obtained these from BANES Council.
- **Friday 20th April 2012** – We were Informed by the Secretary of BANES Local Councils Association that the appendix to the GTTSP report to BANES Council would be issued to Town & Parish Councils on 1st May, after it had been signed off by Councillor Tim Ball and other officers. BANES Council stated that this would give councils 3 extra days before papers go public. Local press in Keynsham printed an article on proposed site in Keynsham on Thursday 26th April 2012.
- **Tuesday 24th April 2012** – The Gypsy & Travelling Communities Awareness Training Event was attended by the Deputy Town Clerk of KTC and I. We were advised that no discussion should take place about individual proposed sites. A representative of one the proposed sites made comments about its suitability as a gypsy and travellers site and this was responded to by the Chairman of Gypsy Travellers Association. This proposed site was subsequently removed from the short list of proposed sites at the Cabinet meeting on 9th May 2012.
- **Thursday 26th April 2012** – Email received from Secretary of BANES Local Councils Association stating that the Report would be formally signed off at 10.00 a.m. on Friday 27th April. Consequently, the agenda for the Cabinet meeting on 9th May and the Report became available via BANES Council website after 2 p.m. To register to make a statement at the cabinet meeting notice had to be registered with BANES Council by 3rd May 2012, so we duly registered on 27th April 2012.
- **Monday 30th April 2012** – Urgent KTC Special Planning & Development Committee meeting was called to prepare a statement for submission. KTC protocol states a minimum of 4 working days notice of a meeting should be provided to the members. Consequently, an inadequate time frame was allowed for a full and proper consideration.

- **Wednesday 9th May 2012** – The Deputy Town Clerk of KTC and I attended the Cabinet meeting at the Guildhall.

3. Conclusion

The allocation of sites is a sensitive matter which requires careful consideration, timely consultation and balanced judgment. In this case we contend that this required approach has not taken place and therefore the whole matter should be withdrawn for further needs assessment and consideration of site provision across the whole of the local authority.

SUBMISSION STATEMENT TO THE SPECIAL COUNCIL MEETING

18TH JUNE 2012

SPEAKER: JUDITH CHUBB-WHITTLE

CHAIR OF STANTON DREW & STANTON WICK PARISH COUNCIL

This statement concerns the BaNES proposal to develop the Old Colliery buildings, Stanton Wick.

The 'Call for Sites', was issued on **21st November**, asking the parish council to offer any sites matching prescribed criteria.

We found no appropriate sites because;

- **The parish is washed over green belt and development of traveller sites is 'INAPPROPRIATE IN THE GREEN BELT'**
- **There is no easy access to public transport.**
- **We have no shop.**
- **Doctor & dentist surgeries are 3- 4 miles away, not within 1500m**
- **There are no sites in safe walking distance from the school.**

The PC first became aware the site was listed as 'preferred' for **15 permanent & 5 transit pitches i.e. 60 caravans** on **18th April via email.**

This proposal would **totally overwhelm Stanton Wick by 3:1, contravening Planning policy [March 2012].**

An independent contamination **report 2009/10, states arsenic levels exceed the Residential SGVs and there is much asbestos on site.**

Refusal of previous planning applications were on highways, sustainability & Green Belt grounds, however building of 1 house & ancillary building was approved March 2011.

The PC organised a Public meeting on **2nd May to inform residents of the facts. Over 250 residents attended,** overflowing into the car park.

Almost 100% of my parishioners have signed a petition registering their incredulity that the site scored **17th lowest out of 23' yet becoming top 7th preferred site.**

The site is a SNCI with European Protected species.

The PC give statements at

1. **9th May** Cabinet meeting,
2. **Scrutiny Panel on 15th May.**

3. **11th June Cabinet meeting** , answers to which Cllr Crossley said would be provided in September.
4. Submissions from the PC & parishioners have all received the same answer , that they would be answered at the end of consultation creating feelings of mistrust that they may remain inadequately answered.

2 further Public meetings on 23rd & 25th May were held.

We held a surgery yesterday to help residents complete the consultation response forms.

The PC has attended MP surgeries. In association with Stanton Wick Action Group we asked for contact to be made with Andrew Robathan PSS to consider vacated MOD sites for allocation. This has been done.

The Parish Council is very concerned about the lack of useful feedback received by the many parishioners that have engaged.

My submission is that the Cabinet are simply NOT LISTENING.

Bath and North East Somerset Council
The Guildhall
High Street
Bath
BA1 5AW

14 June 2012

Our ref:
MDMK/JWB/STANT 2/1
Your ref:
Jo Morrison

ALSO BY EMAIL: democratic_services@bathnes.gov.uk

Dear Sirs

Full Committee Meeting on Monday 18 June 2012 @ 13:00

We act for residents' groups on three of the proposed Preferred Options sites: The Old Colliery Buildings, Stanton Wick; the former Radstock Infants School Canteen; and land near Ellsbridge House, Keynsham. Our clients share the concerns which have been expressed by the Council's Scrutiny Committee and those members who have called the Special Meeting.

Needs and the duty to co-operate

The Gypsy and Traveller Accommodation and other Needs Assessment is now quite dated. The Council ought to follow the approach of North Somerset Council in reviewing the needs.

One of the Coalition Government's reforms has been to introduce a duty to co-operate on local authorities preparing development plan documents which relate to a strategic matter. Gypsy and traveller provision is a strategic matter as it does have a significant impact on multiple planning areas. The need for provision and the suitability of sites has to be considered on a wider basis than a local authority area. The Council needs to have actively and constructively engaged with other small local authorities and statutory bodies such as Natural England, the Environment Agency and English Heritage in preparing the development plan document. From the material produced that does not appear to have happened here.

The site assessment process

The use of a matrix and scoring system in assessing potential sites is good practice. Policy sets out the criteria to be applied and site selection should follow those criteria. The final decision will not be purely mathematical: even if the scoring is agreed, it is very unlikely that the top six sites will be the six selected. Planning judgments are more complicated than that. You would expect there to be a close correlation between the correct scoring and the final sites list.

Here there is not. Three of the sites come in at 15th (Ellsbridge), 17th (Stanton Wick) and 18th (Twerton). The Preferred Options document proposes some of the worst scoring sites. This gives rise to two possibilities, neither of which involve an acceptable process. Either the criteria being applied in the scoring system were wrong, or the criteria were broadly right but sites were selected for wholly different reasons. It appears to be the latter case here – ultimately the criteria were disregarded and sites selected or omitted for different reasons; none of which are readily apparent but which may well include political convenience.

There is debate over the particular scores being applied and some of the selected sites were scored too highly. For the purposes of this meeting we wish to focus on some factors which are recognised but not scored. The Radstock Infant School site is in a conservation area yet no score is applied for that factor.

The presence of European Protected Species is not scored at all. The sustainability appraisal identifies that there is likely to be a ‘very significant adverse impact’ on those species (including bats) at Stanton Wick. In plan-making the Council is required to consider that impact and the likelihood of any alternatives being found which do not harm European species or sites, and whether there are Imperative Reasons of Overriding Public Importance to justify the impacts.

Other ‘show-stoppers’ are highways impacts. The Stanton Wick site is accessed through a narrow country lane with no footway and frequent sharp bends and single track widths. It is simply unsuitable for traffic generating uses, let alone one generating goods vehicle and caravan movements.

The Preferred Options proposals ignore the interests of gypsy and traveller communities by allocating sites which are wholly unsuitable. As a group they suffer from the lowest educational achievements and the worst health of any group in the country yet the Preferred Option is to put the majority of the permanent pitches on a contaminated former colliery site in the middle of the countryside. The sustainability appraisal accepts that the Stanton Wick site has poor or very poor access to services, that the proposals would lead to the exacerbation of existing social exclusion and that putting a large site next to isolated residential properties may increase tension. Treating gypsies and travellers and the settled community in this way contravenes the Council’s Public Sector Equality Duty as well as being unsound from a land use planning perspective.

The site assessment process has unreasonably omitted a range of sites including the three former MoD sites which are coming forward.

The assessment process does need to be completely revisited. Sites have been put forward which bear no relationship to the recognised criteria.

On a matter of procedure, the Council report at paragraph 5.10 considers whether this is a full Council or Cabinet matter. The Functions and Responsibilities Regulations provide that

development plan documents are shared responsibilities of Cabinet and Council. It is not simply Core Strategies which are shared. The submission draft of the DPD and its final adoption are therefore matters for the full Council to decide. At this stage if the Cabinet asks full Council for a view then the Council's view prevails, although as the Council meeting has been called by members rather than by the Cabinet that situation may not have strictly arisen. The Council's view would then be a recommendation, albeit with the ability to impose their view at the submission stage.

Our clients will be represented at the Council meeting on Monday by Mr Richard Harwood of Counsel, who will make brief oral representations along the lines of this letter and who will be available to answer questions.

Please note an identically worded letter of the same date has also been sent to Mr John Everitt, Chief Executive of Bath and North East Somerset Council.

Yours faithfully

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Motion on Gypsy and Traveller site provision in Bath and North East Somerset:

To be moved by Cllr Malcolm Hanney on behalf of the Conservative Group.

Council notes:

- That since Council last considered its approach to the provision of gypsy and traveller sites in Bath and North East Somerset (B&NES) in November 2011, new Government guidelines 'Planning Policy for Traveller Sites' (PPTS) were published in March 2012.
- That many of the 'Preferred' sites selected by Cabinet and detailed in the Council's currently ongoing Preferred Options Consultation do not accord with the March 2012 PPTS Government guidelines.
- That the case being made by Cabinet for 'very special circumstances' for selecting Preferred sites within Greenbelt is not in accordance with the current Local Plan or Draft Core Strategy and is unsound for the purposes of the Local Development Framework for which Council has responsibility and as a matter of law given the lack of consideration that has been given to alternative Brownfield / development sites in B&NES and the apparent failure to give due consideration to a number of the currently 'Tolerated' sites in Bath & NE Somerset as part of the Site Assessment and related decision-making as to the Preferred Sites for consultation.
- That Council is concerned that the decision of the Cabinet (item 7) on 9 May 2012, on behalf of Council, to agree that only new sites will be considered for inclusion and not those already rejected through the initial site assessment, may have been premature without reference to Council given Council's responsibility for the Core Strategy and Local Development Framework.
- That Council has serious concerns relating to many of the sites currently identified as Preferred Sites, including but not limited to:
 1. Old Colliery Buildings Stanton Wick
 - the scale of the proposal which would dominate the nearest settled community contrary to PPTS Policy C (para 12)
 - the proposal is inappropriate development and harmful to the Greenbelt and thus contrary to PPTS Policy E (para 14)
 - the proposal has poor access to local facilities and is therefore contrary to PPTS Policy B (para 11)
 - the proposal has not had due regard to highways, site contamination and prior planning decisions on the site or neighbouring properties
 - the fact that the site was ranked 17th out of 23 in terms of suitability

but was one of only 6 sites selected as Preferred Sites for the purpose of consultation

2. Woollard Lane, Parcel 7100, Whitchurch

- the proposal is inappropriate development and harmful to the Greenbelt and thus contrary to PPTS Policy E (para 14)

3. Land near Ellsbridge House, Keynsham

- the proposal was put forward as a Preferred Site without due regard to the fact that the Site would be adjacent to and shares an access with a Nursery (Snapdragons) which is due to open in September 2012
- the Preferred Sites Consultation document approved by Cabinet on 9 May 2012 (and the subject of current ongoing consultation) makes no mention of the fact that the site would be adjacent to and shares an access with a Nursery. Furthermore the plan included within the Consultation document shows the adjacent property as being 'Ellsbridge House Management and Community Education Centre' when the Council through various departments is fully aware of the fact that the Ellsbridge House property is now to be a Nursery. This fact was specifically raised at the Planning, Transport and Environment Policy Development and Scrutiny Panel on 15 May 2012 and prior to publication of the Preferred Sites Consultation document on 23 May 2012.
- the lack of suitable highway access to the site
- the fact that the site is currently established / mature woodland
- the Cabinet has not considered or assessed possible alternative uses for this site (including an approach made by Snapdragons as regards possible purchase) prior to designating as a Preferred Site
- the fact that the proposal was ranked 15th out of 23 in terms of suitability but was one of only 6 sites selected as Preferred Sites for the purpose of consultation

4. Former Radstock Infant School Canteen

- the Cabinet did not consider alternative uses (including for affordable housing) or alternative values for this site before designating as a Preferred Site. It is noted that Cllr. Jackson indicated to the Scrutiny Panel on 15 May 2012 that £270,000 was potentially available through a Housing Association to build 12 new homes on the site for currently homeless families.
- the Cabinet did not (prior to designating as a Preferred Site) give due consideration to the impact on the Radstock Conversation Area or on other potential developments in the area including land owned by or occupied by the Council notwithstanding that Property Services had specifically advised Planning Services that it might be prudent to hold the site and dispose / develop with the wider school area.

- That Council is concerned that issues related to Boat Dwellers (otherwise known as Continuous Cruisers) as raised at the Policy Development & Scrutiny Panel in May 2012 and previously at Council in November 2011 may not be receiving appropriate attention / priority as part of the work programme for Traveller Communities

Council resolves:

1. To require* Cabinet to report back to Full Council with its recommendations as to the appropriateness or otherwise of undertaking a new Needs Assessment of gypsy and traveller sites in Bath and North East Somerset following discussion with neighbouring authorities, noting paragraph 4 of PPTS March 2012, which includes:

*Government's aims in respect of traveller sites are:
that local planning authorities should make their own assessment of need for the purposes of planning;
to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;*

and Policy A (para 6), which states:

*In assembling the evidence base necessary to support their planning approach, local planning authorities should:
b) co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities;*

and Policy B (para. 9), which states:

*Local planning authorities should, in producing their Local Plan:
c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries);*

and having regard to the fact that the last Needs Assessment was produced in 2007 on a West of England wide basis (Gypsy and Traveller Accommodation (and Other Needs) Assessment (GTAA)), that North Somerset Council has recently commissioned work to review the immediate need for pitches as an interim update to the GTAA for its area and South Gloucestershire Council halted progress on its Gypsy and Traveller Development Plan Document in March 2011.

2. To require* Cabinet to produce a new Scoring Matrix for public consultation which better reflects the March 2012 Government guidelines, in particular taking account of the following:

Paragraph 4 of Government guidelines 'Planning Policy for Traveller Sites' March 2012, which states:

*Government's aims in respect of traveller sites are:
that plan-making and decision-taking should protect Green Belt from inappropriate development;
to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure;*

Policy C (para. 12), which states:

When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy E (para. 14), which states:

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

3. To require* Cabinet, if it wishes to continue to include the Lower Bristol Road site (which ranked 18th out of the 23 sites assessed) as a possible or Preferred site, to consult formally on removing this site from Greenbelt.
4. To require* Cabinet to re-assess the various sites currently identified as Preferred Sites having regard to the concerns being expressed by Council.
5. To require* Cabinet to halt its current consultation pending Council's further consideration of matters set out in these resolutions.

* Require shall mean 'require to the extent permissible by law' and shall otherwise mean 'Strongly request'