

Bath and North East Somerset Council
The Guildhall
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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