

APPENDIX 4

SUMMARY OF CONSULTATION RESPONSES

A. OBJECTIONS

A1 The Dry-stone Wall:

The application proposes that the dry-stone wall, situated between the current line of the footpath and its proposed new line, be re-built to a greater height of 1.5 metres:

- 52 people have objected to the demolition of the existing 150-year old wall on the grounds that local heritage ought to be preserved¹;
- Two people have objected to wall's demolition on the grounds of "vandalism"²;
- Two objectors have raised concern that increasing the wall's height will remove walkers' views over the school playing fields³;
- Two objectors have argued that the School should repair the current wall instead of rebuilding it, thus preserving its existing character⁴;
- Five objectors have raised biodiversity concerns: two referring to the likely destruction of "rare succulent plants" currently growing with the wall⁵ and three worried about the destruction of wildlife for which the existing wall provides an "important habitat"⁶;
- One objector questioned how stable the new 1.5-metre high wall would be if a drystone method was used⁷;
- Another argued that rebuilding the wall in such a way would be "disproportionately expensive"⁸.

A2 Safeguarding:

The School has sought the diversion for safeguarding reasons – to divert members of the public away from the School's drive – and has appended a safeguarding statement to its application (see Appendix 3):

- 32 objectors commented that, notwithstanding the existing line of the public footpath running down the School's drive, members of the public currently have access, daytime and evenings, to the sports centre in the School's main building and questioning therefore, how diverting the

¹ Objectors 01, 06, 08, 10, 12, 16-22, 25-28, 32-35, 37-38, 40-42, 45-46, 48-49, 52-54, 56, 58, 61, 65-66, 68-74, 76-81, 87 & 90

² Objectors 02 & 54

³ Objectors 07 & 09

⁴ Objectors 11 & 25

⁵ Objectors 14 & 46

⁶ Objectors 26, 46 & 54

⁷ Objector 75

⁸ Objector 87

footpath would make any meaningful difference to safeguarding?⁹ Two of these objectors went further, claiming the School were only granted planning permission for its sports centre on the condition that it could be used by the general public.¹⁰

- 22 objectors have argued that constructing secure high fencing along the border of the School's sports field (replacing the low picket fence currently there) would satisfy safeguarding requirements more effectively than diverting the current footpath¹¹; two objectors argued that the School should erect security fencing across the entrance to the car park instead¹²; two objectors stated they could see no reason why the School could not simply fence the existing footpath¹³; three objectors commented more generally that the School should instead erect fencing on its own land¹⁴; one objector argued there was already a "substantial wooden fence" alongside the playing field to deter unwanted visitors¹⁵.
- Notwithstanding the observations made about the public's open use of the School's sports facilities (referenced above), it has been argued by 17 objectors that the proposals for diverting the footpath will not prevent people entering the school's premises due to the open driveway that would remain adjacent to the proposed new line of the relevant section of path¹⁶.
- 16 objectors have argued that rebuilding the existing dry-stone wall to a height of 1.5 metres will not deter determined troublemakers¹⁷; another has suggested such a wall could become "a comfortable seat for possible miscreants"¹⁸; another has argued the proposals will not deter troublemakers unless the entire school is completely fenced, with security at all the car entrance points as well as around the entire site¹⁹.
- Three objectors do not believe the School have had the incidents with intruders that they say they have in their safeguarding statement or that there have ever been any safeguarding issues²⁰; three other objectors said they had never heard of any safeguarding issues affecting the School²¹; another claimed safeguarding was "just a pretext for closing the footpath" as the School do not even lock their existing gates²².
- One objector questioned whether security cameras had been considered as an alternative²³; another stated that the school already utilised

⁹ Objectors 03, 10-11, 13, 15-16, 18, 21-22, 24-26, 31, 38, 46, 49-50, 53, 56, 58, 60, 64, 71-72, 74, 76-77, 81-82, 84-85 & 87

¹⁰ Objectors 46 & 56

¹¹ Objectors 03-04, 10, 16, 24, 26, 36, 38, 40, 50, 53-54, 56, 58, 63-64, 68, 73, 75-76, 80 & 86

¹² Objectors 09 & 28

¹³ Objectors 21 & 89

¹⁴ Objectors 20, 75 & 78

¹⁵ Objector 30

¹⁶ Objectors 04, 15, 21-22, 24, 50, 56-58, 63-65, 73, 77-78, 86

¹⁷ Objectors 04-05, 30, 37, 40, 42-44, 53-54, 56, 58, 61, 63, 75, 77, 86

¹⁸ Objector 38

¹⁹ Objector 34

²⁰ Objectors 02, 39 & 50

²¹ Objectors 14, 31 & 45

²² Objector 36

²³ Objector 30

extensive cameras but queried why they could not simply increase or upgrade their CCTV if their current system was considered insufficient²⁴.

- Two objectors could not see the impact on safeguarding on the basis that they rarely saw schoolchildren walking down the existing footpath either unaccompanied, or at all²⁵; another objector claimed the current footpath did not actually run through the school grounds²⁶.
- One objector questioned why the School did not instead make use of the parallel footpath that already exists within their enclosure down their playing field²⁷; another suggested the School should instead part with a strip of land on the opposite side of its car park to create a two-way driveway and allow fencing to be installed, enabling the existing pathway to remain unaltered²⁸.
- One objector stated that the School had provided no evidence to support the claim that moving the footpath would reduce unauthorised access to its site; they added that the School had “not taken all reasonable and necessary precautions” prior to presenting its application.²⁹
- Two objectors argued that approving the application on the grounds of safeguarding would set a precedent with wide-reaching consequences.³⁰

A3 Rolled Stone Surface:

- 15 objectors raised concern that this new surface would deteriorate more rapidly than the tarmacked surface of the Existing Footpath; would require greater ongoing maintenance; would be unsuitable for the footpath’s level of use; and would make walking more difficult & muddy.³¹
- Eight objectors expressed the view that the Proposed Footpath’s surface would be unsuitable/less suitable than the Existing Footpath’s surface for elderly people, users with visual/mobility issues and for pushchairs.³²
- One objector stated the new surface would not be the best for cycling on³³.

A4 General Health/Safety/Security Issues:

- 19 objectors considered that the Proposed Footpath on the allotment side of the dry-stone wall would be so narrow that it would be unsafe/unsuitable for walkers & vehicles to share use.³⁴

²⁴ Objector 87

²⁵ Objectors 13 & 37

²⁶ Objector 56

²⁷ Objector 84

²⁸ Objector 34

²⁹ Objector 54

³⁰ Objectors 21 & 49

³¹ Objectors 02, 24, 26, 38, 42, 44, 46, 53-54, 56, 62-63, 65, 74 & 86

³² Objectors 26-27, 42-43, 54, 56, 82 & 86

³³ Objector 43

³⁴ Objectors 15-16, 21-22, 26, 38, 42, 46, 49, 53-54, 56, 58, 62, 74, 76, 80, 82 & 86

- 12 objectors raised concern that the higher wall/fencing proposed on either side of the Proposed Footpath would not be safe for women/people generally, walking on their own³⁵; two such objectors commented on such a corridor being “unescapable” and a “muggers’ paradise”³⁶.
- Two objectors commented that the proposals would potentially increase the risk of theft from the allotments.³⁷
- One objector described the Proposed Footpath as “inferior...with health & safety issues”³⁸; two other people were concerned that such issues would discourage the local community for using the footpath for exercise & enjoyment, thus having a detrimental effect on people’s wellbeing³⁹; one further objector considered the proposals would significantly increase the footfall on Shaft Road which they believed was unsafe for pedestrians to walk along, due to the steepness of its banks⁴⁰.
- One objector was concerned that the proposal to swivel the existing street lights over the new footpath would make the existing route down the school’s driveway darker for the schoolchildren and sports club members still using it.⁴¹
- Another objector considered that the barbed wire in the proposed stockproof fencing on the allotment side of the new footpath would represent a safety hazard to allotment users.⁴²
- A further objector expressed the view that the proposed 1.6-metre width of the new footpath would be insufficient for two people to walk abreast.⁴³

A5 Environmental Issues:

- Five objectors raised concerns that the proposals to rotate the existing street lights onto the new footpath would create a light pollution issue adversely affecting nocturnal creatures and pollinating insects, including protected bats⁴⁴; two further objectors made reference to “rare succulent plants” growing inside the existing dry-stone wall⁴⁵; another commented that the proposed wall and stock fence would “further narrow the wildlife corridor that links Rainbow Woods and the surrounding countryside to the Midford Valley”⁴⁶; another described having seen glow-worms in the dry-stone walling on hot summer nights⁴⁷.

³⁵ Objectors 03, 05, 07, 34, 40, 44, 54, 56, 62, 67, 76 & 82

³⁶ Objectors 67 & 82

³⁷ Objectors 03 & 07

³⁸ Objector 12

³⁹ Objectors 54 & 56

⁴⁰ Objector 72

⁴¹ Objector 56

⁴² Objector 63

⁴³ Objector 34

⁴⁴ Objectors 25-26, 54, 56 & 68

⁴⁵ Objectors 14 & 46

⁴⁶ Objector 67

⁴⁷ Objector 81

- Two objectors considered the building of a new path, wall & fence would have a significant carbon impact⁴⁸; one objector believed the proposals would increase local transport emissions⁴⁹; another believed re-routing the footpath would encourage greater vehicular use for people using the sports centre⁵⁰.

A6 Allotment Issues:

- Eight objectors were concerned that a 1.6-metre width on the Proposed Footpath would not be wide enough for motor vehicles to pass along⁵¹, with two making the point that vehicular access is vital for difficult to handle and heavy items such as seedlings, harvested produce and manure⁵² (and one of these emphasising that whilst the existing allotment track was not used frequently by motor vehicles, when it does need to be so used, such use is essential⁵³). Five other objectors expressed concern that they would no longer be able to park alongside their own allotment plot to load/unload items⁵⁴.
- Four objectors believed that the gated entrance to allotments shown on the School's landscaping plan would not be wide enough for vehicles/larger vehicles to even enter the allotments.⁵⁵
- Three objectors considered there was insufficient space, between the dry-stone wall and edge of the allotment plots, to have a footpath wide enough for vehicles & pedestrians to be able to share it safely⁵⁶; another objector commented that they did not consider even a 2-metre wide track to be sufficient for a car & pedestrians to share use⁵⁷; another believed the Proposed Footpath would impinge on allotment territory⁵⁸.
- One objector was concerned that the 1.2-metre height of the fence proposed between the allotment side of the new footpath, and the allotment plots themselves, would not be great enough to prevent allotment trespass⁵⁹; another commented that some allotment holders would feel very vulnerable working inside a fenced area to which the public had access⁶⁰; another observed that additional lockable gates would be required to enable holders to access plots adjacent to the new fence⁶¹.
- Two objectors considered that replacing the existing dry-stone wall with a higher one would segregate allotment holders from others, destroying the "friendly feel" of the area.⁶²

⁴⁸ Objectors 54 & 56

⁴⁹ Objector 26

⁵⁰ Objector 03

⁵¹ Objectors 04, 06, 26, 40, 42 & 63-65

⁵² Objectors 04 & 60

⁵³ Objector 60

⁵⁴ Objectors 07-08, 12, 25 & 63

⁵⁵ Objectors 04, 38, 56 & 63

⁵⁶ Objectors 16, 21 & 90

⁵⁷ Objector 07

⁵⁸ Objector 35

⁵⁹ Objector 07

⁶⁰ Objector 60

⁶¹ Objector 55

⁶² Objectors 34 & 56

- Seven objectors commented generally that the proposals would make it very difficult for allotment holders with mobility issues, or some otherwise, to reach their particular plots/do much on them⁶³; one other expressed concern about there only being one point of access to/exit from the allotments from the Proposed Footpath which they were concerned would be insufficient, and very inconvenient for allotment holders⁶⁴; another objector stated the proposals would encroach, in general terms, upon the privacy of the allotments⁶⁵.
- Two objectors believed the proposals would stop non-plot holders being able to visit the allotments to learn from the holders' practices⁶⁶.

A7 Enjoyment/Aesthetics:

- 17 objectors expressed concerns that the proposals would spoil the ambience/open/safe feel of the walking.⁶⁷ Six objectors commented specifically that views over the playing fields or allotments would be lost.⁶⁸
- Seven objectors were of the view that the proposed new fence between the Proposed Footpath and the allotment plots would be ugly/unsightly/offensive.⁶⁹
- Six objectors expressed concern about the creation, in effect, of "a narrow funnel"/"long tunnel" that would have no exit point for nearly a mile.⁷⁰
- Two objectors observed that the proposals would bring walkers into close proximity with vehicles – a situation which does not currently exist.⁷¹ Another objector described such a situation as a "significant conflict of use".⁷²
- Two objectors submitted that contrary to what was suggested in the application, the route of the proposed new path was not a level gradient and that there was a dip, part-way along, in which water accumulates.⁷³

A8 Convenience:

- Three objectors observed that pupils from Monkton Senior School currently use the public footpath adjoining the Existing Footpath to visit the Prep School and that the proposals would result in their walk to the Prep School being lengthened, and needing to double-back on themselves⁷⁴. One of these objectors added that there would also be the same issue for

⁶³ Objectors 32, 46, 51, 54, 63, 67 & 89

⁶⁴ Objector 25

⁶⁵ Objector 30

⁶⁶ Objectors 25 & 80

⁶⁷ Objectors 19, 21, 25-26, 30-31, 34, 46, 53-54, 59, 62-63, 75, 80, 82 & 85

⁶⁸ Objectors 07, 09, 26, 33, 46 & 54

⁶⁹ Objectors 05, 31, 33, 35, 77, 80 & 81

⁷⁰ Objectors 25-26, 28, 54, 56 & 82

⁷¹ Objectors 24-25

⁷² Objector 78

⁷³ Objectors 54 & 63

⁷⁴ Objectors 15, 25 & 40

members of the School's Sports Centre who access it from the Mount Pleasant end.⁷⁵

- Another objector was concerned that if the quarry owners decided to close the allotment site at some stage in the future then the Proposed Footpath would be lost forever.⁷⁶

A9 Miscellaneous

- Two objectors were concerned the proposals would have a negative impact on the relations between the School and the community⁷⁷. Another stated that the School had stopped being "friendly and open" and over the past few years had become "increasingly closed-in and restrictive", now wishing to "push their neighbours further away"⁷⁸.
- One objector expressed "little sympathy for parents who pay for their children's exclusive education and then want to spoil the public's access to local walks"⁷⁹. Another commented that as the public footpath benefits the population as a whole, it should not be modified in order to satisfy the needs of a "discreet" group⁸⁰.
- One person objected to public money being used for the proposed diversion.⁸¹

B. REPRESENTTEES

B1 Statutory Consultees⁸²

Vodafone Plc, Sky Telecommunications Plc & National Grid stated they had no objection to or would not be affected by the proposals. There was no response from any other statutory consultee.

B2 Bath & North East Somerset Allotments Association⁸³

BANES Allotments Association made a number of comments in relation to the impact which the proposed diversion could have on the adjacent users of the allotments:

- They expressed concerns about any potential loss of growing area or any other impact on the current levels of access, servicing and enjoyment of the site;
- They commented that the proposed design for the rebuilt wall did not match the distinctive local vernacular of Bath dry stone rubble topped by a "cock-and-hen" coping, and indeed the other dry-stone walls in the immediate vicinity;

⁷⁵ Objector 40

⁷⁶ Objector 17

⁷⁷ Objectors 26 & 85

⁷⁸ Objector 51

⁷⁹ Objector 31

⁸⁰ Objector 80

⁸¹ Objector 88

⁸² Representees 01-03

⁸³ Representee 04

- They objected to the 19th century allotment gate and its stone piers, currently a few dry-stone wall, (and its stone piers) potentially being lost in the wall's rebuilding;
- They suggested that the proposed changes to street lighting may contravene the Habitats Regulations;
- They suggested there was no need for the first section of the diverted path to be a shared surface and recommended it be segregated from the car park with a low fence and native hedge;
- They further recommended that the shared-use section of the proposed new footpath be 2.5 metres wide, with an apron connecting the track to the shared path to avoid rutting and mud spillage;
- They submitted that in order to prevent trespass, the new allotment fence should be at least 2 metres high (rather than the 1.2 metres proposed);
- They highlighted the fact that without at least one vehicular gate in the proposed allotment fence, allotment holders would be unable to drive vehicles around the site to deliver heavy items/carry out maintenance;

B3 Monkton Combe Parish Council⁸⁴

Monkton Combe Parish Council expressed the view that the surface of rolled gravel for the Proposed Footpath was not appropriate as it was much more prone to potholes and ruts, particularly if also used by motor vehicles accessing the allotments. They also raised concerns that the Proposed Footpath could be compromised by any implementation of Planning Application 16/05548/MINW for Upper Lawn Quarry.

B4 Other Representees

Two members of the public⁸⁵ also submitted written responses, supporting the proposals "broadly" or "in principle" but nevertheless raising a number of concerns. One of these related to a perceived connection between the success or otherwise of the application to divert the footpath and the future security of the allotments' lease.

Other concerns related to:

- the historical gateway in the existing dry-stone wall;
- the inferior quality of the proposed surface for the new footpath;
- insufficient space to have a footpath wide enough for vehicles & pedestrians to share it safely;
- potential wildlife disturbance, light spill & increased energy use, in the even that extra street lighting has to be installed;

⁸⁴ Representee 07

⁸⁵ Representees 05 & 06

- the fact that the public currently have open access to the School's sports centre, in any event.