

Respondent: 4 / 2 Name: Mr Francis King Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

Not entirely. This does appear to be the best place for the traveller community, as is an existing tolerated encampment, and the council's actions would be regulating an existing situation. Cost should not be the over-riding issue, but rather what is in the best interests of the traveller and settled communities. As long as the site remains in council control, it can be reinstated as green belt at a later date.

Do you agree that the potential pitch provision be taken forward as a formal allocation?

In the case of sites GT6 and GT8, yes, subject to my comments and comments from other people being satisfactorily resolved.

Do you have any other general comments on the Preferred Options paper?

Respondent: 31 / 1 Name: Mr David & Janet Kemp Organisation:

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Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

- a) The site on the Lower Bristol Road (LBR) seems to be the only site that is not causing a major negative response.
- b) The LBR site is already being used as a Gypsy & Traveller site, and appears not to be a problem.
- c) If the LBR site was made an official site the Council would be in a stronger position to evict travellers from other sites.
- d) We understand that if the LBR site was an official site the Council would get an income from it.

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

Our final point is, are all the people on the LBR site real Gypsies & Travellers? On many sites, we understand, people live for many years? If the Council was to run the LBR site as an official site would it be able to ensure it was used by genuine Gypsies & Travellers?

Respondent: 84 / 1 Name: Mr Roger Chapman Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

This is my brief response to the current consultation.

Firstly, I very much support the council's intention to identify authorised pitches.

Secondly I believe the site at Lower Bristol Road, Twerton is a suitable site. I have walked past there on numerous occasions and it seems harmless and does not create a nuisance to others.

Thirdly I believe the site at Station Road, Newbridge is not a suitable site. It is in a residential area, immediately behind the gardens of a number of houses and would be located on a green area which is currently a local amenity.

Site commenting on:

Do you agree with the Council's assessment of opportunities and constraints on this site?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

Respondent: 224 / 2 Name: Ms Joanna Robinson Organisation: Bath Preservation Trust

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on:

Do you agree with the Council's assessment of opportunities and constraints on this site?

1. YES
2. It should be acknowledged that the site is located with the World Heritage Site.

Do you agree that the potential pitch provision be taken forward as a formal allocation?

1. YES. The use of this pitch should be regularised.
2. YES.

Do you have any other general comments on the Preferred Options paper?

Respondent: 245 / 3 Name: Mr Andy Reading Organisation: Environment Agency

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on:

Do you agree with the Council's assessment of opportunities and constraints on this site?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

We are pleased to see that the majority of the sites put forward in the Preferred Options Consultation are located in Flood Zone 1 (low risk). This is consistent with the Technical Guidance to the National Planning Policy Framework (NPPF) which is clear that caravans, mobile homes and park homes intended for permanent residential use should not be allowed in principle in Flood Zone 3 (high risk). This approach is also supported by Policy CP11 of the draft Core Strategy.

GT.8 – Lower Bristol Road, Twerton

The red line boundary for this site is adjacent the Newton Brook and falls partly within Flood Zone 3 (high risk). To comply with the NPPF and policy CP11 of the draft Core Strategy the document should therefore make clear that to be acceptable

all pitches will need to be sequentially located outside of the flood risk area. The Brook should be protected and enhanced where possible.

Respondent: 263 / 5 Name: Ms Gillian Sanders Organisation: Wessex Water

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

There is a large rising main which crosses the site entrance. 24 hour access will be required to this rising main for the purposes of maintenance and repair.

There is an 18 inch major water distribution main which crosses the site. This main will require protection and 24 hour access for the purposes of maintenance and repair. There must be no permanent structures placed within 6 metres of this main.

Subject to application and confirmation of public sewers in the vicinity of the site a connection to the public foul system may be possible. Subject to application there is an available water supply connection.

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

Respondent: 279 / 3 Name: Mr Rohan Torkildsen Organisation: English Heritage

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

We hope the following comments will help shape a plan which provides a more robust case for appropriate sites in accordance with the National Planning Policy Framework (NPPF).

At present English Heritage is concerned by the assessment process employed to determine site suitability. The approach fails to apply an even handed consideration of the key planning issues particularly the affect of proposed site allocations on the historic environment.

The Plan fails to demonstrate that evidence about the historic environment has been used to assess the significance of all heritage assets affected and how they contribute to the local area.

Site assessments process

An initial sift of 23 sites discarded certain options that were contrary to "national planning policy" including sites located within an Area of Outstanding Natural Beauty (AONB).

"Those sites identified as being within and thus impacting adversely on the national landscape designation, the Cotswolds Area of Outstanding Natural Beauty were rejected"

There is no reason or explanation why sites in the AONB were rejected as a matter of course whilst those in the Green Belt, World Heritage Site (WHS) or adversely affecting a designated heritage asset were not.

You have allowed the consideration of sites in the Green Belt due to 'exceptional circumstances' but have not considered sites in the AONB for the same reason.

I refer to Policy E pg 5, National Policy for Traveller Sites March 2012. "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.

There is no justification for the AONB being given greater weight in the plan making process than Greenbelt, the World Heritage Site, Conservation Areas or indeed in the curtilage of a Grade II listed Building. You should note that Paragraph 14 of the NPPF attaches the same weight to designated heritage assets as Green Belt and AONB.

As such if you choose to reject sites in the AONB as a matter of course you should also reject sites within the WHS, Conservation Areas or within the grounds of a listed building. We are not suggesting you do this as a matter of course but we are anxious to ensure a thorough consideration of the historic environment and all heritage assets, as defined in the NPPF, is undertaken and that greater weight is not applied as a matter of principle to the AONB or that those sites within the AONB are omitted for that reason.

A 2 stage sift process was used to exclude certain sites. The scoring matrix was used to assess the relative sustainability of each site based on whether they were in the Green Belt, landscape, wildlife designation, flood risk or land contamination. This fails to give an appropriate weight to the consideration of heritage assets. You should note that heritage conservation is at the heart of the definition of sustainable development in the NPPF. Inadequate weight has been applied to heritage conservation in the assessment process.

Likewise the assessment process appears to have given greater weight to matters such as noise and overlooking.

Page 14 of the Site Assessment Report refers to the emerging Core Strategy Policy CP11 and the need to ensure sites should have no adverse impact on nationally recognised designations (criteria g) and do not harm the character and appearance of the surroundings (criteria d).

For a variety of reasons various sites have been rejected. But none appear to have been abandoned due to the adverse impact on heritage assets e.g. school building, Radstock; Ellsbridge House, Keynsham.

Unequal weight appears to have been applied to various relevant significant criteria without proper regard to the strategic NPPF principles for the conservation of heritage assets.

The Site Scoring Matrix at Appendix B of the Assessment Report makes no reference to the impact on heritage assets other than the World Heritage Site or Conservation Areas. There is no consideration, for example of the impact on listed buildings such as Ellsbridge House, Keynsham.

Unless there is clear evidence to demonstrate otherwise your site search sift should clearly have resulted in the omission of the Ellsbridge House as development in the curtilage of a listed building would presumably harm its historic significance and would therefore be contrary to NPPF and emerging Core Strategy policy?

I refer to Appendix E of the Site assessment report

"Development at this location would likely not assist the promotion of peaceful and integrated co-existence between the site and the locality due to the level of visual exposure".

Has this same assessment been undertaken for all other sites?

Lower Bristol Road, Twerton (GT.8)

The site is beyond the built up area of Bath, no doubt makes a positive contribution to its setting (an outstanding universal value) and is "prominent in the landscape from the A36 and the railway to the south, which overlooks the site".

This assessment exercise appears to have been subject to an extensive evaluation of the impact on the natural environment but not the equivalent for the historic environment as reflected in the Site Assessment Report commentary.

With the application of national policy for the historic environment it is unclear whether the local authority considers the proposal would cause harm to any heritage asset, if so why and to what degree.

What are the landscape implications of the required highway works? Are they significant?

Specific preferred options.

Without prejudice to the above I have the following specific comments on the preferred options.

Planning across boundaries

If BANES Council are struggling to find suitable sites might there be alternative opportunities in adjoining local authority areas? Local planning authorities are required to work collaboratively with other bodies to ensure that strategic priorities such as adequate provision for Gypsies, Travellers and Showpeople across local boundaries are properly co-ordinated and clearly reflected in local plans

Conclusion

We strongly recommend a more consistent and objective process of evaluation to ensure this Plan accords with the NPPF and its principles for sustainable development in relation to protecting and enhancing the historic environment, and national policy for the provision of suitable traveller sites.

Respondent: 281 / 4 Name: Ms Alison Howell Organisation: Natural England

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

Preferred Options

The Council has selected six preferred sites for development. The site selection process identified four main constraints: Green Belt, landscape and/or wildlife designations, flood risk and contaminated land. Natural England is satisfied the assessment criteria and scoring matrix applied to the site selection appears robust and consistent with government policy for the planning of traveller sites.

We consider the approach taken also broadly accords with the National Planning Policy Framework (NPPF), including with respect to paragraph 110 which states "In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework".

Site Constraints

Notwithstanding the above, the Sustainability Appraisal has identified a number of issues with the development of the

preferred sites, including likely impacts on landscape, ecology and public access.

- The assessment of Site GT.8 Lower Bristol Road in Twerton describes it as a flat area of green open space within the Green Belt that forms an important part of the entrance and green setting to the World Heritage Site with views to the Brunel tunnel entrance and the distinctive slopes up to Carrs Wood Local Nature Reserve, to which the site is adjacent. However it also suggests the site is self-contained, which potentially lessens its wider impact on the WHS setting. Nonetheless the site is described as being prominent in the landscape from the A36 and the railway to the south.

- We note that the site assessment recommends development of this site is subject to a well-designed frontage scheme containing a line of longer term woodland planting with a line of taller trees located behind the existing wall (repaired) and with a taller timber fence behind that again to provide immediate screening. We welcome the recognition that management of the woodland and riparian vegetation is critical and should be enshrined in an overarching management plan.

Natural England considers the constraints and suggested mitigation and enhancement measures outlined in the Sustainability Appraisal appear reasonable, however we would like to make the following comments:-

#### Sustainable Development - the Natural Environment and Biodiversity

Natural England would welcome a commitment in the Plan to moving from a net loss of biodiversity to achieving net gains for nature, as required in the NPPF paragraph 9.

#### Use of Brownfield land of low environmental value

The preferred options reflect the NPPF paragraph 111 in terms of the need for planning policies and decisions to encourage the effective use of land by re-using land that has been previously developed, however the Plan should also recognise that some brownfield land can be of high environmental value and ensure suitable avoidance or mitigation measures are in place.

#### Enhancing landscape and biodiversity in Green Belts

Natural England would welcome a greater emphasis on enhancement of the Green Belt in line with the NPPF Paragraph 81 in terms of seeking opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

#### Light Pollution – Landscape and Wildlife

Natural England would welcome a requirement to minimise light pollution in accord with NPPF paragraph 125 “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

#### Ecological networks and Green Infrastructure

Making Space for Nature (A review of England’s Wildlife Sites and Ecological Network) highlighted action to support ecological networks as an effective response to conserve wildlife in environments that have become fragmented by human activities. It stated: “An ecological network comprises a suite of high quality sites which collectively contain the diversity and area of habitat that are needed to support species and which have ecological connections between them...” with this in mind, Natural England would welcome a commitment in the Plan to ensuring the development of all preferred sites incorporate multifunctional green infrastructure in accordance with the emerging Bath & North East Somerset Core Strategy policy, draft Green Infrastructure Strategy and local biodiversity action plan.

Respondent: 296 / 5 Name: Ms Gill Stirling Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on:



Do you agree with the Council's assessment of opportunities and constraints on this site?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

I am writing regarding the preferred sites for travellers and showmen. I can only comment on your list although I believe some of these were not even thought suitable by your own consultants. It seems to me that both the travellers and local residents should be considered when making a decision. I do not live near any sites and believe that those who do should have the greater influence.

GT8: Lower Bristol Road, Twerton, Bath

This would appear to be an ideal site. It is rural for the travellers to live as they chose but within easy reach of the city and main roads. There would appear to be no residential areas in close proximity and the area is large, giving the travellers their privacy.

Respondent: 687 / 1 Name: Mr Harol John Gully Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

We have known this site for over 40 years, it has always been an unstable, dangerous place, best left to wildlife and designated footpaths.

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

Although the site is set within the greenbelt, this whole area has been left to deteriorate. The area already is used by travellers - it would seem sensible to make this an authorised site and work to make it attractive and help the traveller appreciate the surroundings and help to work with the LNR - I think BANES will give this site all the attention it can because of the nearness of the WHS site. The site belongs to the council and has, I think very little reason for not developing now.

Do you agree that the potential pitch provision be taken forward as a formal allocation?

I agree with everything that has been put forward regarding this site. I think the quicker we can get this site ready for development the better - we know Bath will make this work because they have to the eyes of the world will be on them.

Do you have any other general comments on the Preferred Options paper?

I feel that everyone has had to show that what we thought was a council that cares has been shown to be anything but.

Respondent: 1366 / 1 Name: Ms Barbara Morgan Organisation: Network Rail

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

Network Rail has been consulted by Bath & North East Somerset Council, on the Draft Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) – Preferred Options consultation paper and call for sites. Thank you for providing us with this opportunity to comment on this Planning Policy document.

With reference to the protection of the railway, the potential site GT.8 Lower Bristol Road, Twerton is of concern to us. It should be noted that the railway particularly in the GT.8 site area currently suffers from a fairly high level of trespass and vandalism and we would not wish to see any type of development in this site which would have the potential to increase the problem. Given that the site GT.8 is located adjacent to the Great Western Main Line and trains pass the site at

100mph the development would be subject to noise and vibration issues and we do not consider this to be an appropriate or safe environment for this type of development.

If the LPA is minded to progress this site for the use of sites for Gypsies, Travellers and Travelling Show People then the following measures would need to be met as part of any planning permissions granted.

#### Fencing

Because of the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (details to be agreed with our Maintenance Protection Co-ordinator) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

#### Drainage

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 20 metres of Network Rail's boundary.

#### Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any buildings should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicants land, thus avoiding provision and cost of railway look-out protection, supervision and other facilities necessary when working from or on the railway land.

#### Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

#### Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Details of any external lighting should be provided as a condition if not already indicated on the application.

#### Excavations/Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions:



**Permitted:**

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata “Zebrina”

**Not Permitted:**

Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

**Plant, Scaffolding and Cranes**

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

With reference to the protection of the railway, the potential site GT.8 Lower Bristol Road, Twerton is of concern to us. It should be noted that the railway particularly in the GT.8 site area currently suffers from a fairly high level of trespass and vandalism and we would not wish to see any type of development in this site which would have the potential to increase the problem. Given that the site GT.8 is located adjacent to the Great Western Main Line and trains pass the site at 100mph the development would be subject to noise and vibration issues and we do not consider this to be an appropriate or safe environment for this type of development.

If the LPA is minded to progress this site for the use of sites for Gypsies, Travellers and Travelling Show People then the following measures would need to be met as part of any planning permissions granted.

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**Two Metre Boundary**

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#### Not Permitted:

Alder (Alnus Glutinosa), Aspen – Popular (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

#### Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Respondent: 3095 / 5 Name: Mr Joe Evans Organisation: Avonside CPRE

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Although this site is situated both within Green Belt and within the setting of the Bath World Heritage Site, it does have several substantial advantages over the other larger site being considered, the Old Colliery Buildings at Stanton Wick. It has excellent transport access; good access to shops, schools, healthcare and other facilities; and its location is in keeping with the requirement of the March 2012 Policy that Travellers Sites should not dominate the nearest settled community. Despite the damage that the site would do to the openness of the Green Belt and to the setting of the World Heritage Site, we therefore support this site allocation.

As stated, we feel that a new Needs Assessment should be carried out if any sites within Green Belt are to be allocated as Gypsy and Traveller Sites. If the sole justification for the 'exceptional circumstances' required by the NPPF for inappropriate development in Green Belt is that there are not sufficient sites outside Green Belt to meet needs, then clearly those needs must be supported by a robust evidence base. We would prefer to see the decision on whether the Lower Bristol Road site should be allocated as permanent or temporary pitches made after this new Needs Assessment, so as to ensure that the site meets the actual needs of Gypsies and Travellers. Decisions on site facilities, layout, access, screening etc should also be left until that point.

Site commenting on:

Do you agree with the Council's assessment of opportunities and constraints on this site?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

**1. Evidence base**

We question the validity of the current evidence base for the needs of Gypsies and Travellers and its compliance with current government policy. The 2007 Gypsy and Traveller Accommodation (and other needs) Assessment has been used as the basis for this process. However, at five years old, it cannot be taken as an authoritative guide to the needs of a population that is by definition transient and fluid. Paragraph 4 of the DCLG's 'Planning Policy for Traveller Sites' of March 2012 states:

"...that local planning authorities should make their own assessment of need for the purposes of planning"

B&NES Council has clearly not made its own assessment of need as required; it has relied on five year old regional research. B&NES Council's own Site Assessment Report states:

"The precise need for sites to meet the new national policy will require a review of the GTAA study, preferable [sic] at the West of England level." [para. 1.4]

This has also not yet been carried out.

The March 2012 Planning Policy also states:

"In assembling the evidence base necessary to support their planning approach, local planning authorities should:

1. pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)
2. 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
3. use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions."

Because B&NES has not carried out its own research, it does not comply with this policy, having had no new formal consultation with travellers on their accommodation needs.

Because older research is being used, B&NES Council will not have a 'up-to-date understanding' of travellers' needs as required.

In failing to comply with the first two requirements, B&NES Council has not created a 'robust evidence base' and thus does not comply with the third requirement.

We are calling for a fresh process of evidence-gathering to inform a revised list of possible preferred sites based on up-to-date evidence.

**2. Requirements of different travelling communities**

The DPD recognises that the needs of travelling showpeople are different from those of gypsies and travellers [2.7].

However, it does not recognise the different and sometimes incompatible needs of New Travellers, Romany Gypsies and Irish Travellers. These groups do not always have harmonious relations with one another and B&NES Council's previous consultations suggested that enough land should be allocated to allow groups to live separately from one another [3.3].

The current proposed preferred options list places 15 of 25 permanent places on one site, the Old Colliery at Stanton Wick. This would not allow different groups to live separately from one another and would thus not meet the aims set out at 3.3. We would argue that a larger number of small sites would better meet travellers' needs than the current list. It would also minimise the impact on settled communities.

This is back by Paragraph 4.6 of the B&NES Council Issues and Options Report on this subject, which states:

"The need for smaller sites in Bath & North East Somerset district is supported by the West of England GTAA which found that most surveyed respondents expressed a preference to live in smaller family-sized sites of no more than five pitches."

We would like to see an analysis of the different needs of the different sectors of the travelling community as part of the new evidence-gathering process mentioned above.

### 3. Green Belt

Policy E (para. 14) of the March 2012 policy 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. “

This is backed by the National Planning Policy Framework. Government policy thus prevents the development of Gypsy and Traveller Sites in Green Belt except in very special circumstances. We do not feel that this requirement has been met by the current process. Of the six proposed Preferred Sites, GT1 (Woolard Lane), GT 2 (Old Colliery, Stanton Wick) and GT8 (Lower Bristol Road) lie within Green Belt. The only justification given for the ‘very special circumstances’ required to approve development in Green Belt is that no other sites are available. The Sites Assessment Report states:

“The absence of appropriate land outside the Green Belt to meet the identified level of need is considered to contribute to very special circumstances.”

In this case, the absence of other available sites does not simply ‘contribute’ to the ‘very special circumstances; it is the sole justification for Green Belt development.

We feel that this is plainly not sufficient to prove that ‘very special circumstances’ exist, especially taken alongside the out-of-date evidence base being used. If the justification for Green Belt development is that there is a need that cannot be met in any other way, then plainly the need must be derived from the most robust evidence. Equally, although the Call for Sites did not yield any other sites outside of Green Belt, such sites may well exist, especially if the principle set out above of using smaller sites rather than larger is followed.

We feel that a fresh needs assessment should be carried out to provide a robust evidence base; further work should then be done to identify additional potential sites that are not in Green Belt. The current list of preferred options should be revised, to include only those Green Belt sites for which there is robust, up-to-date evidence of need and for which it can be demonstrated that there are genuinely exceptional circumstances to justify their inclusion.

### 4. Flaws in policy-making processes

Although the DPD has been prepared with a process that gives the appearance of being based on assessment of evidence, it is in fact deeply flawed. The matrix used to assess the suitability of sites in the Site Assessment Report appears to have been scored in an arbitrary manner in places; furthermore, the results of the scoring matrix bear little relationship to the shortlist of sites taken through to the Preferred Options DPD consultation document. A decision was taken at the Council’s Cabinet meeting on 9 May 2012 to eliminate rejected sites so as to prepare the Preferred Options DPD consultation document. At that stage, no meaningful consultation had been carried out on either the process of site selection, the needs of the Gypsy and Traveller community in the area or the specific sites included in the process. The decision to create a shortlist before consultation had been carried out was contrary to both the 2008 Regulations on the preparation of Development Plan Documents and the 2012 NPPF, which states:

“155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.”

Respondent: 3103 / 2 Name: Ann Reeves Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council’s assessment of opportunities and constraints on this site?

The pitch GT8 in Twerton has been used for years, and with additional facilities would be ideal as it is close enough to a road for access but far enough away the children are safe. I have similar concerns about children having access to education from this site. But of the sites presented, this seems the best.

[Additionally, if they enrolled at the local primary schools, they would need to cross a very busy highway that does not have a pedestrian crossing.]

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

Respondent: 3183 / 1 Name: Mr C Gillard Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

I have recently received a letter from somebody who intends to build a student block on the site of the old Twerton mill. I have also read in the paper that a green field off the Lower Bristol road appears to be the favourite for a planned travellers site. This will mean that there will be several hundred more people in this area who contribute nothing.

Do you agree that the potential pitch provision be taken forward as a formal allocation?

Do you have any other general comments on the Preferred Options paper?

Respondent: 3242 / 1 Name: Mr K Davies Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Two questions:

1. Is the council able to limit the number of people who occupy each pitch? 2. The council needs to make it clear that each pitch is likely to mean 2 caravans as many people currently think 1 pitch = 1 caravan

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council's assessment of opportunities and constraints on this site?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

When the Lower Bristol Road site is provided formally/prepared, where would existing gypsy and travellers be moved to?

Do you have any other general comments on the Preferred Options paper?

Respondent: 3526 / 1 Name: Ms Sophie Bennett Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

I do not have any information about the sites other than that given in the policy document. There are however a few points I would like to bring up regarding a few of the sites.

•GT.1 If this site is to be occupied by the owner then I would personally see this as being no different from a private house build, which would not come up as being part of social housing numbers.

•GT.2 could this site not be used as a showmans yard? If the access is that bad then some traveller's vehicles would have the same problems of access as Showmans vehicles. Is having a site and school not dangerous if it is an unused mine?

•GT.4 I think this site is wholly unsuitable. Not only are residential areas usually avoided as park ups, but to have it near a



school or playground is unfair. Being so close to a residential area could invite confrontations and having had the unpleasant experience of having abuse shouted at me I would choose not to live in a situation that invites that attitude again.

- GT.6 A reasonable and better of the sites. Again though it is very close to houses and parked cars which could prove problematic where manoeuvring is concerned.
- GT.8 This is by far the best site. It is already established. There are no residential neighbours and has generally kept its self to its self for the time it's been there. The traffic measures that are talk about in the document should be implemented anyway to make this road safer regardless of the site being there. I don't see why this should not be considered. The only other consideration is it being green belt land. It is dependent on what the travellers are comfortable with as to whether the field is cemented over or not.
- GT.14 I think considering what Elsbridge House has been granted planning permission for it would be unsuitable to use that land as a site. There has been theft of fuel from the industrial estate and having a site next to nursery will not be popular.

Site commenting on:

Do you agree with the Council's assessment of opportunities and constraints on this site?

I cannot talk for the current residents of this site, but I would find having a 'warden' a bit patronising. In some cases I understand that a support and access network is needed and having that available on a site would be very much beneficial. Care needs to be taken though in how that role is defined and undertaken. You could find that nobody but the very vulnerable stay on that site (thus creating more unauthorised sites). Road calming needs to be done on Lower Bristol Rd regardless of whether there is site there or not. I agree that it is well suited to being a transit site, but would that mean a limit on time spent there? If so what happens to the current permanent residents? I am still unsure as to what role a Warden would take?

Do you agree that the potential pitch provision be taken forward as a formal allocation?

I agree with it being a transit site. I think though that if it be a transit site the residents and users should be consulted as to how it is set out. You never know they might like the way it is?

Do you have any other general comments on the Preferred Options paper?

I think that there is a very big shortfall in planning given to travellers who own their own land. If this was given as freely as it to people who apply to build houses then there would be much less of a problem. I also think that in the majority of cases it is assumed that we want things just because you think we should have them. There are a lot of travellers who find no problems in the way they live and are not vulnerable because they live in a caravan or truck. Please stop assuming you know what's best. Why not take another view and look at allowing people to park up with a time limit and various suitable places such as accessible byways, certain lay-bys or even as the French do and allocate free areas for vehicles to park on for a few days at a time. I understand that it is difficult to see a point of view that is so drastically different from your own, and I have tried to see my life style from another's point of view, so I can understand why people find it hard when I say that I like my truck, I prefer the heat from my wood burner and I am able to cook a full roast dinner and pudding ( I have a full size cooker). Other than that I am very impressed with the way this consultation has been handled. The planning dept has been open and communicative at all times. It is very nice to see this change and I hope it will continue.

Respondent: 3539 / 1 Name:

Organisation: Eagle One Properties Limited

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

No

Site commenting on:

Do you agree with the Council's assessment of opportunities and constraints on this site?

No

Do you agree that the potential pitch provision be taken forward as a formal allocation?

No



Do you have any other general comments on the Preferred Options paper?

Site GT.8 is within Green Belt. The Planning policy for traveller sites document published by the DCLG in March 2012 makes it clear that traveller sites in the Green Belt are inappropriate development and that any alteration to Green Belt boundaries should only be carried out in “exceptional circumstances”. It is considered that the Council has failed to put forward any exceptional circumstances that would outweigh the inappropriateness of this site as a traveller encampment. The site would not be appropriate for general residential use due to its isolated location and lack of amenities/public transport connections, and therefore should not be viewed as acceptable as a traveller site.

In addition to the Green Belt designation, the site is within the Bath World Heritage Site and a Site of Nature Conservation Importance (SNCI). The placing of a traveller site within such a sensitive area will have a detrimental impact on the WHS and is likely to adversely affect the SNCI, contrary to policies BH.1 and NE.9 of the Adopted Local Plan. Indeed, policy NE.9 specifically states that development that would adversely affect such areas will not be permitted unless:

- “i. material factors are sufficient to override the local biological, geological, geomorphological and community/amenity value of the site; and
- ii. any harm to the nature conservation value of the site is minimised; and
- iii. compensatory provision of at least equal nature conservation value is made.”

For information, there is some discrepancy between the Detailed Site Assessment Report (DSAR) and the Preferred Options document; the DSAR states that the Lower Bristol Road site is adjacent to a Local Nature Reserve and SNCI, whereas the Preferred Options states the site is within a SNCI. The latter seems to be the case when looking at the Local Plan Proposals Map. This discrepancy could cast doubt on the score given to this site at DSAR stage.

In any event, the site only achieved a very low matrix score of 9 in the detailed site assessment, with a number of clearly negative factors highlighted in the report; e.g.

The site forms an important part of the entrance and green setting to the World Heritage Site (WHS) with views to the Brunel tunnel entrance and the distinctive slopes up to Carrs Wood. The site however is self-contained which potentially lessens its wider impact on the WHS setting... The site is screened to some extent to the east and west but is prominent in the landscape from the A36 and the railway to the south, which overlooks the site.

The clear landscape impact that this proposal would have on the Green Belt and World Heritage Site should preclude any development in this prominent location on what is a main approach route into Bath.

The DSAR refers to the need for an overarching management plan to protect and manage the Nature Reserve and SNCI. In our view, such a plan would be very difficult to enforce given the transient nature of many residents and the constant movements associated with traveller sites.

It is also considered that the provision of a traveller site in this location would have a detrimental impact on traffic movements along Lower Bristol Road, which is a very busy main route into and out of Bath. As a potential transit site, there will be a number of additional vehicular movements associated with it that could interfere with the free-flow of traffic on this route.

It would appear that this site has been chosen simply because it currently exists and is “tolerated”, and because the site is Council-owned. These reasons alone cannot outweigh the clear policy objections to traveller pitches in this location.

Respondent: 4196 / 1 Name: Mr Anthony Pascoe Organisation:

Do you have any evidence or information about any of the sites set out in the Preferred Options document which will help Bath and North East Somerset Council to determine whether they are available, suitable and achievable for Gypsy, Traveller or Travelling Showpeople provision?

Site commenting on: GT.8 Lower Bristol Road, Twerton

Do you agree with the Council’s assessment of opportunities and constraints on this site?

No

Do you agree that the potential pitch provision be taken forward as a formal allocation?

No

Do you have any other general comments on the Preferred Options paper?

Bath is a World Heritage City and this site is on a major gateway to the city. Tourism is a major revenue generator for Bath, which is visited by people wanting to see the architecture and historical sites. I note that it is council owned land and that it is being occupied without authorisation, but 'tolerated'. If the occupation was not lawful, why has it been tolerated? Can I expect similar tolerance if I accidentally stray into the bus lane on the London Road? The current occupied site is an eyesore. I note that an attempt to screen it has recently been made, but is only moderately successful. I have seen authorised sites in other parts of the country and all have been eyesores.

IF provisions have to be made and paid for by we taxpayers, then such sites for these communities should be in areas less likely to negatively impact on the reputation and economy of Bath.