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Bath & North East Somerset Council  
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**Our ref:** WX/2018/131516/CS-  
03/SB1-L01  
**Your ref:**  
**Date:** 08 October 2021

Dear Sir/Madam

**Reg 18 (Publication) Consultation - Partial update of Core Strategy and Placemaking Plan**

Thank you for consulting the Environment Agency on the above.

Firstly, we advise the partial update should complement the proposals in the emerging West of England Combined Authority Spatial Development Strategy (SDS). We expect all proposed allocations should align with an appropriate Strategic Flood Risk Assessment (SFRA) and be fully assessed against the latest flood modelling in liaison with the Environment Agency in respect of Sequential and Exception test requirements.

We are working in partnership with Bath and North East Somerset Council (BaNES) to develop a long term plan to improve the flood risk management along the River Avon in Bath, however there is a substantial funding gap and partnership funding must be secured before these improvements can be made and new development protected to the required standard. We recommend that the flood risk policy for Bath is expanded to ensure that land along the River Avon corridor is safeguarded to enable future flood risk management works. In addition, any future development in Bath that benefits from existing or future flood risk scheme must provide a financial contribution towards capital and maintenance costs.

We continue to work in partnership with BANES and Bath Rugby Club to develop plans to remove Pulteney gate and replace with a passive fixed weir, part of their longer term public realm improvement aspirations. The passive structure shall be designed such that it removes the current access requirements over land occupied by Bath Rugby's stadium. It is essential that this important work continues with appropriate policy support in the local plan.

There is also ongoing work on a capital project to refurbish the radial and vertical gates at Twerton, which is due to be completed in 2023. This will extend the life of these

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assets but a long-term flood risk management scheme as mentioned above is essential to protect Bath from future flood risk.

### **Policy CP7: Green Infrastructure**

Our comments on the BANES Bath River Line Project consultation should be taken into account for any site allocations that are impacted by the proposals.

### **Policy CP5: Flood Risk Management**

We note there are no proposed changes to Policy CP5 in the Local Plan Partial update. However, we feel that the policy could be strengthened and expanded, in light of the Council's climate change emergency declaration and the updated SRFA (2018) to incorporate the following points:

- All development must be resilient to the future impacts of climate change
- Land that is required for current or future flood risk management must be safeguarded
- New development must incorporate green infrastructure (making as much possible use of natural flood management techniques as part of an integrated approach to flood risk management)
- The functional floodplain (Flood Zone 3b) should be protected from development and reinstated in brownfield areas wherever possible
- Single storey buildings, basements and buildings on stilts will not be acceptable in Flood Zone 3
- All opportunities to undertake river restoration and enhancement including de-culverting, removing unnecessary structures and reinstating a natural, sinuous watercourse will be encouraged
- All development should be set back at least 8m (from the top of bank or toe of a flood defence) of Main Rivers and 5m from Ordinary watercourses for maintenance access. This includes existing culverted watercourses
- Finished floor levels must be set a minimum of 300mm above the 1% AEP (1 in 100 year) plus climate change flood level
- Where a development benefits from an existing or proposed flood defence scheme, the development must contribute towards the capital and/or maintenance of these defences over its lifetime
- For sites in Flood Zone 3a, development should not impede flow routes, reduce floodplain storage or consume flood storage in a 'flood cell' within a defended area. If the development does result in a loss of storage, compensatory floodplain storage should be provided on a 'level for level' and 'volume for volume' basis
- For sites in Flood Zone 3a, all types of new development behind flood defences should be avoided, where possible, due to the residual risks of breach and overtopping.
- Works in, under, over or within 8 metres from the top of bank of the Main River Avon will require an Environmental Permit for Flood Risk Activities (FRAP). Guidance is available on our gov.uk website: [Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits). Please email [bridgwater.frap@environment-agency.gov.uk](mailto:bridgwater.frap@environment-agency.gov.uk) if you require local advice or to submit an application.

### **Policy NE1: Development and Green Infrastructure**

We welcome the inclusion of reference to "nature based solutions" in this policy. We note 283a (Bath River line), 283d (Water Space Connected) and 283e (River Chew Connected, this is useful as it clarifies how the projects interact together to deliver overall benefits rather than being standalone initiatives.

### **Policy NE3a Biodiversity Net Gain**

We welcome the addition of this policy. This is rapidly becoming an important tool in ensuring LA's and developers contribute to preserving and enhancing biodiversity at a local level in accordance with the aspirations of the NPPF and 25 Year Environment Plan .

### **Specific Sites (page listing as per the schedule of changes)**

P.126 section 14 – “Be informed by a site specific FRA, with site layouts designed using a sequential approach. As a minimum, floor levels must be raised at the appropriate level taking into account the vulnerability classification informed by the FRA” suggest replace with the following text *“Be informed by a site specific FRA, with site layouts designed using a sequential approach. Development must be designed to be safe, Floor levels should be set a minimum of 300mm above the 1% AEP (1:100yr) plus climate change flood level. There should be no ground floor sleeping accommodation in areas at highest risk”*.

p.132 - SB 22 Locksbrook Creative Industry Hub

The site fronts on to the River Avon. Similar to Bath Riverside, we would welcome the inclusion of a 10m buffer from the River Avon in the design principles to allow emergency access to the River Avon for maintenance and to safeguard land for a future flood risk management scheme.

### **3. Addressing Housing Supply**

#### **Policy SB8 Bath Riverside**

The National Planning Policy Framework requires Local Plans to “apply a sequential, risk-based approach to the location of development to, avoid, where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by applying the Sequential Test, and, if necessary, applying the Exception Test”.

We welcome the opportunity for the second phase of development to better reflect the climate change emergency declared by the Council. We note it is now proposed to increase the overall capacity of the site, and thus the potential number of future occupants at flood risk.

In reaching a preferred policy option, in line with the policies outlined in the NPPF, a sequential approach must be taken to the mix and placement of uses on site, taking into improvements to flood modelling in the area and changes to climate change allowances. There must also be sufficient operational access afforded to the River Avon, a designated Main River in the interests of flood risk management.

As part of this development, there is the opportunity to link with the ambitions of the WaterSpace project and 25 Year Environment Plan. Our telemetry equipment is located adjacent to this site and is essential to delivering our Flood Warning Service in Bath. We would welcome the opportunity to work with your Council and the developer to improve the resilience of this important equipment.

#### **Policy SB 10 Roseberry Place (phase 2)**

We welcome the opportunity for the next phase of development to better reflect the climate change emergency declared by the Council. In reaching a preferred policy option, a sequential approach must be taken to the mix of uses on site, taking into

account latest climate change allowances and improvements to flood modelling in the area.

#### **Policy KE3b - Land at north and east Keynsham**

The National Planning Policy Framework requires Local Plans to “apply a sequential, risk-based approach to the location of development to, avoid, where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by applying the Sequential Test, and, if necessary, applying the Exception Test”.

We again advise that any development must take a sequential approach and avoid the Keynsham Hams and Broadmead functional floodplains (Flood Zone 3b). Any development within other designated fluvial floodplain will be required to provide floodplain compensation. Where essential infrastructure, having taken a sequential approach, must be sited in Flood Zone 3b, this should be designed to remain operational during times of flood without increasing flood risk elsewhere.

Please note any new buildings will be required to incorporate raised floor levels at least 300mm above the 1% AEP, with an approved allowance for the predicted impact of climate change. Additionally, there must be no ground floor sleeping accommodation for buildings adjacent to the floodplain, unless on significantly higher land, with a means of safe access and egress.

We advise prospective developers will be required to undertake approved hydraulic modelling to demonstrate the impact of any proposed development on flood levels and compensation schemes. The impact of any alteration to watercourse routes will also require detailed assessment.

- There must be no net loss of floodplain.
- Areas of functional floodplain must be maintained.
- Environment Agency Flood Risk Activities Permits will be required in respect of any works in, over, under or within 8m of a statutory main river.

We are aware that a Strategic Flood Risk Assessment (SFRA) Level 2 will be produced for this site. This SFRA Level 2 should consider the H plus plus climate change scenario at both the existing and proposed course of the Broadmead Brook. Furthermore we are aware of ongoing dialogue with Bristol City Council in respect of their emerging Bristol Avon Flood Strategy and potential impacts on this site. It is essential the Environment Agency Sustainable Places team are kept apprised of these discussions.

#### **Policy SSV4 – Former Welton Manufacturing site**

We are pleased to see retention of point 5, deculverting of the Wellow Brook. Any proposed re-development of the site must incorporate proposals to de-culvert/restore the watercourse. This would deliver multiple benefits and such an approach is supported by national planning policy and associated guidance. The Agency's Sustainable Places team are principal EA point of contact on planning and lead on this matter.

#### **4. Other opportunity sites**

##### **Consultation Reference - Bath 2**

In recent years, there has been considerable work undertaken by your Council, the Rugby Club. Environment Agency and other stakeholders in seeking an appropriate solution to the replacement of the Pulteney Radial Gate, which is nearing the end of its  
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design life. It is essential that this important work continues with appropriate policy support in the local plan. Our preferred option remains that there be no change to policy SB2.

**Consultation Reference 8 - Weston Island**

We welcome the opportunity to enhance ecological value. Any development must also take account of impacts on the water environment from construction and operational activities. It also must not impact any flood risk management infrastructure in the vicinity.

Please do not hesitate to contact the undersigned direct should you have any further queries.

Yours faithfully

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