

Issue 2 Flood Risk

Inspector's Question 3.5

HFT are not clear about the Inspector's document references at 3.5, however as we have made clear in our representations HFTCP5 to the dCS and HFTPC CP5 to the PC CS, that we believe the Plan does not pass the Sequential Test nor the Exceptions Tests.

In both cases, the Plan relies upon upstream flood compensation (ufc) to be delivered to secure strategic development proposals. The soundness of that strategy goes to the assumptions underpinning the Sequential Test as well as meeting the strict requirements of the Exceptions Tests.

The Council have presented a report on flood management strategy (Atkins 2010 (CD4/FR2) which proposes the solution of ufc to deliver the CS. Our written reps address this document.

The subsequent studies by WYG Nov 2011 Phase 1 were published just ahead of the PHM, and recommend solutions to ufc at three locations. The details of that report are being studied by our consultants, including the background data and the assumptions.

At our request, the Council have provided further information on the background data, which we understand is to be published on the website and confirmed that further information must be obtained from the EA. A formal request has been made to the EA.

As such, HFT are not in a position to submit its full findings upon ufc and the Exceptions Test, therefore we submit this PS as an interim position to assist the Council and Inspector. Our final PS on flooding and ufc, Sequential Test and Exceptions Test will follow.

Interim PS Sequential Test

We believe the Sequential Test as set out in CD6/D2-4 is flawed on the basis that it assumes:

- the level of housing provision and jobs in the dCS at Bath is sufficient to meet the planned requirement to 2026.
- the alternative locations for development that lie within Flood Zone 1, on the edge of the City, in Green Belt, are unsuitable and unsustainable.

- the strategy of regeneration of the River Corridor in the centre of Bath necessitates concentrating houses and jobs into Flood Zone 3 in the centre of the City.
- the strategy of regeneration of the River Corridor has failed to apply the necessary risk based analyses advocated in PPS25 by locating highly vulnerable development i.e. housing, in high risk flood areas, instead of locating less vulnerable forms of development in such areas i.e. employment /industrial uses.
- the strategy of regeneration of the River Corridor applies the 'opposite' to the risk based strategy in PPS25, that is relocating least vulnerable development away from high flood risk areas, i.e. a contraction in the amount of industrial space in the River Corridor (Policy B1 2c, including BWR) to be replaced by predominantly residential development (highly vulnerable development). Relocated industrial development is thereafter dispersed to lower risk flood zones either inside or outside of Bath, e.g. Peasedown St John.
- the Sustainability Assessment that is said to support the outcomes of the Sequential Test, has failed to properly consider the application of the risk based test against alternatives.
- the Sequential Test relies solely upon the regeneration arguments, without properly understanding or assessing the alternatives or indeed the assumptions that lie behind the regeneration strategy i.e. ufc. Aside from questions over the feasibility and deliverability of this strategy, the Sustainability Assessment fails to properly assess the impact of ufc on the environment. The scale of land use to support ufc is large and strategic.
- There is no flexibility in the strategy, i.e. it must deliver ca.1,200 homes and 2,000+ jobs in Flood Zone 3a and consequently provide ufc, whatever the costs or consequences. The Plan provides no meaningful contingency to address this challenge. The Inspector's comments about the need for the CS to address this matter now rather than await the DPD on Placemaking to address the challenges of the Sequential Test, goes to the soundness of this part of the Council's Strategy in the CS. The scale and broad location of housing and jobs in the River Corridor is fundamental to the delivery of sustainable and economic growth in Bath. The housing trajectory shows that the contribution of River Corridor sites, apart from BWR, commences in earnest in 2016. By this time, the shortfall in housing delivery into Bath will be at its worst, therefore the strategy is relying on this location to boost housing, along with the MOD sites. Were it feasible, the lead-in times to deliver ufc, as well as development of these River Corridor Sites is long and therefore reliance upon the Placemaking DPD to resolve the Sequential Test, by its adoption in 2014, (CD5/30), will be too late. The CS is the right stage to focus on the Sequential Test, as it impacts upon strategic issues. Alongside the Sequential Test is the requirement to subject the broad locations in the CS to the Exceptions Test (PPS 25 requires), where development is planned in high risk flood zones.

Interim PS Exceptions Test

The Council's proposed solution to provide ufc, as set out in the WYG Report is flawed as it fails to provide appropriate compensation to areas of flood storage loss, as a result of proposed new development footprints and accessibility requirements in the River Corridor in the City of Bath.

The quantity of ufc to be provided is insufficient to compensate for the losses.

The proposed locations to deliver ufc are incapable of securing the necessary volume of compensation lost downstream.

The nature of the sites proposed to deliver ufc means that they are incapable of delivering appropriate ufc.

The feasibility of achieving ufc at each of the sites has not been adequately assessed which means that they may not be deliverable and are therefore not a sound solution. The financial costs of delivering ufc is material as the works become essential infrastructure.

The accessibility of the locations means that the impact of trying to deliver ufc at the sites may be unacceptable.

The consequences of failing to adequately assess the deliverability of ufc at this stage in the Plan, is that the risk of flooding to other land and property is increased or that part or all of the River Corridor Strategy is not delivered, as proposed in the CS. The CS provides no flexibility or contingency to address these circumstances. As a consequence without the reliable evidence to support ufc, the CS is unsound.

Inspectors Question 3.6

The consideration of the Exceptions Test is key to this LDD and should not be left for the Placemaking DPD for the reasons given above.

Regeneration of the River Corridor

Finally, the regeneration of the River Corridor through Bath is not dependant upon delivering ufc at all cost. The regeneration of Bath may just as easily celebrate open spaces alongside the River, instead of high density employment and residential land. The work of the Bath Avon River Corridor Group may provide an alternative approach to sustainable regeneration along the River Corridor.

The appropriate testing of sustainable alternatives, which are found at the edge of the urban area, beyond the flood plain, should be seen as complementing and indeed supporting regeneration strategies for the River Corridor. The provision of New Homes Bonus and the Community Infrastructure Levy provide mechanisms for greater financial support towards regeneration of the River Corridor. The availability of such funds will in part be dependant upon the viability of sites, their deliverability and scale. Sites such a BWR, in the River Corridor, are costly to bring forward such that they have no capacity to generate CIL. The site will continue to be dependant upon public subsidy or other developer contributions because of high development costs.

in contrast, proposed Green Belt, greenfield sites on the edge of Barn, may have potential to contribute towards regeneration through CIL and New Homes Bonus.