

**PLANNING, HOUSING AND ECONOMIC DEVELOPMENT POLICY DEVELOPMENT
AND SCRUTINY PANEL**

Minutes of the Meeting held

Monday, 20th July, 2015, 2.00 pm

Bath and North East Somerset Councillors: Rob Appleyard (Chair), Barry Macrae, Lisa O'Brien, Fiona Darey, Cherry Beath, June Player (In place of Colin Blackburn) and Les Kew (In place of Liz Richardson)

Officers : Kelvin Packer (Group Manager: Highways and Traffic), Simon Martin (Infrastructure and Development Manager), Jim McEwen (Senior Technical Officer, Drainage & Flooding) and Jim Collings (Lead Local Flood Authority Manager)

Environment Agency: Nigel Smith, Flood & Coastal Risk Management Advisor

Cabinet Members in attendance: Councillor Patrick Anketell-Jones

1 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Colin Blackburn and Councillor Liz Richardson had sent their apologies to the Panel. Councillor June Player and Councillor Les Kew were their respective substitutes for the duration of the meeting.

The Cabinet Member for Homes & Planning, Councillor Marie Longstaff had sent her apologies to the Panel.

4 DECLARATIONS OF INTEREST

The Chairman, Councillor Rob Appleyard declared a disclosable pecuniary interest as he is a Director of Curo.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

6 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS,

STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Linda Gamlin addressed the Panel. She informed them that she had become involved in the community response to two planning applications over the course of 2014 and attended two meetings of the Development Control Committee.

She stated that she believed that the Planning Department had a priority on saying 'yes' to applications that they receive. She said that the experience had changed her view of governance and that the public consultation was a sham. She added that she believed that others had also become cynical of the process.

She explained that she had already sent in a detailed complaint relating to one of the applications which had only received a bland dismissal from the department.

The Chairman commented that he understood how emotive the issues around planning applications can become, but stressed that the recommendations and decisions made were governed by policy and law. He wished to add that the department had recently been recognised with a national award and was aware of the work they do to try to improve.

7 CABINET MEMBER UPDATE

The Chairman drew the Panel's attention to the updates that had been provided by the Cabinet Members for Homes & Planning and Economic Development.

Councillor Cherry Beath thanked the Head of Housing for his recent correspondence and said that the Panel should consider looking at Curo, the Housing Association, Right to Buy and budget matters as part of its future work areas.

The Chairman commented that he felt that the private rented sector also needs to be discussed.

Councillor Patrick Anketell-Jones, Cabinet Member for Economic Development addressed the Panel. He said that he felt his update gave a good example of current work. He stated that he strongly encouraged the Council to embrace a 'whole economy approach' to the delivery of economic growth in B&NES.

Councillor Barry Macrae commented that he was concerned and sought reassurance that fairness would be given towards youth employment opportunities of those living in the villages and the City.

The Cabinet Member for Economic Development replied that he was acutely aware of the Somer Valley needs and would seek to develop employment sites.

Councillor Cherry Beath commented that she would like some detail in future reports of how the budget will be spent.

The Cabinet Member for Economic Development replied that the Arts Development budget was £490,000 pounds and that he had asked officers to ensure that this was shared fairly across the Council.

Councillor Cherry Beath commented that she was pleased to see that worklessness was addressed within his report.

The Cabinet Member for Economic Development replied that he was confident that the current strategy will not leave anyone behind.

Councillor Cherry Beath stated the need for good office space to be maintained in Bath.

The Cabinet Member for Economic Development replied that he recognised this as a potential threat to economic growth and would look to push this issue in the future.

The Chairman thanked him for his update and attendance on behalf of the Panel.

8 BATH FLOOD ALLEVIATION SCHEME UPDATE

Ian Herve addressed the Panel. A copy of his statement is available on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

This dramatic photograph was taken on the late afternoon Christmas Eve, 2013. It shows a building just downstream of Cleveland Bridge. It houses vulnerable and infirm residents. Thankfully the flood peaked later that night and only the basement was flooded.

It is a relatively low flow event, measured by the Environment Agency as less than the 1/20 year Annual Return Risk. That is, slightly less than the floods of the year 2000.

The Environment Agency estimate the flow at about 250 cubic meters per second. That is 250 tonnes of water is passing a given point in that photograph every second. Do the multiplication and it becomes about 900,000 tonnes every hour. The 1/100 year flood will bring flows about 60% greater, over 1.5 million tonnes an hour will pass over Pulteney Weir.

In June 2012, the Environment Agency stated that "The current level of flood risk in Bath is considered unacceptable". At that time the number of properties currently at risk within the 1:100 annual probability footprint was put at approximately 1,100, increasing to 1,800 with climate change taken into account. In their September 2014 update the numbers were put at 930 at the moment and increasing up to maybe 2000 with climate change.

We urge the Panel and this new administration to seriously address this problem before history is repeated and action becomes necessary after a disastrous flood.

Robin Kerr, Chairman of the Federation of Bath Residents' Associations (FoBRA) addressed the Panel. A copy of his statement is available on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

He asked that flood mitigation measures upstream of Pulteney Bridge be seriously investigated and adopted as policy by the Council. He said that it was his

understanding that significant effect could be obtained at about £6m, for part of which an Environment Agency contribution should be available.

He said that the approximate figure of £6m should not be confused with the £6.2m which has been pledged through the Rotating Infrastructure Fund for the Enterprise Zone.

Sarah Hardick addressed the Panel. A copy of her statement is available on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

1. A few years ago the sluice gate got stuck on the railings & couldn't rise. Although it seemed there hadn't been much rain the flooding upstream of Pulteney Weir was far worse than we would have expected. As soon as the gate was reopened the river dropped dramatically, please explain how flooding will not be worse with no gate to open?
2. Disruption to our business. I expect this work will be carried out in the summer to avoid high river levels. This will shut down our motor boat business & could affect the boat hire upstream if river levels are affected.
How long will the works take? Will we be compensated & by whom?
3. Silt build up behind proposed weir. As we see from the boat dock presently at the weir, there is a lot of silt build up where there is no current. Perhaps there is no major build up around Pulteney Weir or upstream because of the speed of the river when the flood gate is opened?
4. Why is a gate that lowers to the river bed not an option at Pulteney Weir but is an option at Twerton?

The Group Manager for Highways and Traffic replied that the presentation would look to address these matters and if not covered a written response would be supplied.

Dr David Dunlop, London Road & Snow Hill Partnership addressed the Panel. A copy of his statement is available on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

Millions of pounds worth of properties – many of them Listed - lie within the River Avon Flood Plain upstream of the Pulteney Bridge and the Radial Sluice Gate.

I speak to report the increasing concerns of many of those who live along London Road who fear that tampering with the Radial Gate may increase flood risk upstream in addition to the predicted 25% increase in river flow due to climate change.

The man responsible for the Flood Alleviation Scheme completed in 1974 (Frank Greenhalph) claimed that the Radial Gate would have a lifespan of 80 years provided that the Flotation Tanks were properly maintained and dredged.

Question 1 What is the annual cost of maintaining the Pulteney Radial Gate? Recently it was suggested it STILL has a ten year operating life.

Question 2 How much would it cost to replace it with "like for like"?

The alternative, ie “the three proposals” all involve a fixed weir each of which will be unable to cope with a flow rate of 932,000 tonnes per hour, as experienced recently.

Question 3 Where exactly will the money come from in these times of cut backs and austerity?

The Chief Executive recently referred to a figure of £6.5 million – but this is for work downstream of Churchill Bridge – not for work at Pulteney Weir. (The problems are at Twerton Lock).

Ceris Humphreys addressed the Panel. A copy of her statement is available on the Panel’s Minute Book and online as an attachment to these minutes, a summary is set out below.

The Options Study promised a “holistic” approach to flood risk in the city including upstream of Pulteney Bridge but this is completely absent. There are just proposals for piecemeal replacement of the Pulteney and Twerton gates.

Why is flood risk given such low priority in B&NES? There are two answers: (i) perceived cost and (ii) failure to understand the implications of flooding. B&NES assert that it is not for them to address flood risk from main rivers. But money is found for flood defences where there are new developments, which are used to justify B&NES involvement.

The direct financial cost of damage to infrastructure and clearing up will be massive – in a 2010 report to B&NES cost in a large flood event suggests about £30 million. What would the cost be now?

The loss of tourism as a result of the Somerset Levels flooding affected the whole county, not just flooded areas, and has been estimated at £200 million. With 2 million visits annually to the top ten attractions in Bath, B&NES income from its attractions will take the largest hit when footage of Great Pulteney Street surrounded by water containing sewage is beamed around the world and bookings collapse.

There will be substantial human (as well as financial) cost in having to evacuate vulnerable people from retirement homes and schools along the river.

What doesn’t seem to be realised is that the whole city will come to a standstill because of the flooded main roads. Emergency services will be compromised because their staff can’t get to work. Many residents and businesses who are not actually flooded will be affected because of failure of water supplies and sewage and other utilities.

B&NES may think that they are not liable for much of the cost, but will those who suffer the losses agree when they discover that B&NES were aware of the risk (in many areas classed as “Significant” or “High” by the Environment Agency), were aware that the risk was increasing due to climate change, and yet chose not to act?

We are told the cost of work to improve flood protection for existing residents would be several million. This is trivial compared to the cost of a major flood. I urge the Panel to insist that improving flood protection for existing residents be given much higher priority and that a proper holistic approach **including consideration of flood risk upstream of Pulteney Bridge** be adopted to look at the options for reducing flood risk within Bath.

I do not suggest that Bath is the only part of B&NES at risk of flooding, but the impact of flooding in Bath as B&NES's economic powerhouse would be disastrous for B&NES's finances.

Dave Laming, Chairman of the River Regeneration Trust addressed the Panel. A copy of his statement is available on the Panel's Minute Book and online as an attachment to these minutes, a summary is set out below.

Getting on for three decades I have lived and worked on the River Avon and its waterways, through the good and the bad times and let me assure you the bad times are getting more frequent and worse.

I respectfully remind you of the previous Chairman of the Environment Agency, Baron Chris Smith of Finsbury's assessment of the Somerset Levels a couple of years ago. The rivers of the Levels will not require dredging he said. Yet on instructions from the government Land & Water Limited have thrown dozens of huge machines in there and have been frantically dredging for months.

Our River Avon has not been dredged for over 20 years and the powers that be will claim it will make no difference anyway. Over 15 years ago I dug back a small section of my riverbank looking for the land drain outlet. Five metres of bank silt later I found it.

On the 30th October 2000 Broadmead Lane Industrial Estate in Keynsham suffered a major flood incident. So rapid was the rise in the river flood level that no warning was possible.

The River actually diverted across the immediate southern fields to a depth exceeding two and half metres sweeping rapidly across the only escape route, Broadmead Lane, pushing over a large lorry trying desperately to escape. This happened again in January 2001 and more recently in September 2013 when we had to rescue a gentleman from his 4 by 4 after it had been washed off Broadmead Lane.

In conclusion, I warmly welcome the Kelvin Packer and Jim Collings highly professional Local Flood Risk Management Strategy Team and the inspiration of Louise Fradd with support from John Wilkinson in setting to work the Strategic River Group.

The Group Manager for Highways and Traffic introduced a presentation to the Panel. He asked that they see the presentation as an introduction to this work area and would expect then to bring back further reports in the future.

The Lead Local Flood Authority Manager then explained that Bath and North East Somerset Council is now the lead local flood authority and has a duty to co-ordinate local flood risk management following the report of Sir Michael Pitt in 2007.

He stated that the key B&NES responsibilities included;

- Develop and monitor the local Flood Risk Management Strategy
- Duty to Maintain Register of Assets / Features

- Recording and Investigation of all significant Flooding Incidents
- Local Surface Water Management Plans
- Statutory consultee for Sustainable Drainage Systems

He said that the Council were looking to appoint Local Flood Representatives and would welcome any help the Panel could give on this matter.

The Chair asked how officers felt with regard to emergency planning arrangements.

The Lead Local Flood Authority Manager replied that this is an area that they are looking to work closer with appropriate officers within the Council and the public.

The Group Manager for Highways and Traffic added that this is an area for the team to focus on and develop their response plans.

Councillor June Player commented that an area of the Lower Bristol Road close to the Belvoir Castle regular floods following heavy rain.

Councillor Lisa O'Brien asked how often roads or gulleys should be cleared.

The Group Manager for Highways and Traffic replied that it should at least be annually but that they were aware of some locations that require clearing quarterly.

The Chair asked for some further information on the role of the Local Flood Representatives.

The Lead Local Flood Authority Manager replied that around 20 had already been appointed and their role is to be local observers and to report any incidents to the Council.

The Infrastructure and Development Manager addressed the Panel regarding the Bath Quays Waterside: Flood Defence project. He explained that the Council and the Environment Agency were working in partnership on this project and that it would improve the defences of existing developments and along the Lower Bristol Road. He added that planning consent for the project has been given.

He said that in addition to the flood defence works the project was also looking to yield 5,700 jobs and 6,000 homes.

Nigel Smith, Flood & Coastal Risk Management Advisor, Environment Agency addressed the Panel regarding the Bath River Avon Options Appraisal Study.

He informed them that a FAQ document was in the process of being compiled and that he would pass that to the Panel when complete.

He gave the Panel some background information on the study. He said that Bath is at risk of fluvial flooding from the River Avon and that the 1960's Flood Alleviation Scheme reduces the risk to the city. He added that there are approximately 500 properties at risk from the 1 in 100 year flood event (1% chance of occurring in any one year).

He stated that Pulteney and Twerton sluice gates are important, but degrading assets as they have been in operation since the 1970's. If Twerton gates were to fail shut and coincide with a 1 in 100 year event this would increase flooding to approximately 246 properties. If Pulteney gate were to fail shut there is a minimal flood risk increase upstream, but if the gate were to fail open there would be impacts on navigation, building / river channel foundations and biodiversity.

He explained that the objectives of the study were;

- Investigate the current level of flood risk protection offered by Bath Flood Alleviation Scheme at a strategic level.
- Consider the long term flood defence options for protecting Bath now and in the future when considering climate change.
- Identify linkages with B&NES regeneration plans, which provides potential to deliver improvements that may not be possible through public funds.

Twerton Gate

He said that the gate performs a vital role in alleviating flood risk in Bath and that any replacement scheme must focus on its flood risk function. He added that the improvement works offer potential to reduce flood risk.

Pulteney Gate

He stated that hydraulic modelling has shown that the gate has minimal impact on flood risk in Bath and that siltation upstream of the gate occurs locally but does not impact on flood risk. He said that opportunities exist to improve amenity and aesthetics without compromising flood risk and that further investigation and public consultation will be carried out.

He explained that a decision on the final strategic option hasn't been made yet, this includes the Pulteney gate. He said that following completion of this appraisal we will seek approval to continue with more detailed investigation and consultation, including a condition assessment of both gates. He added that they were aiming to secure funding to progress this investigation next financial year.

Councillor Lisa O'Brien asked for confirmation that upstream siltation poses no flood risk as she was concerned having witnessed the damage from the flooding on the Somerset Levels.

Nigel Smith replied that unlike the Levels the Avon has a gradient and although siltation does exist upstream it is not a cause for concern.

Councillor Les Kew asked if there were any plans to dredge the River Avon.

Nigel Smith replied that there were no plans to dredge within B&NES.

Councillor Les Kew asked if he could clarify one of the speaker's points that there is a predicted 25% increase in river flow due to climate change.

Nigel Smith replied that due to climate change there will be more rain and that will lead to a higher volume of water within our rivers. He added that increase of that scale would be over 100 years.

Councillor Les Kew asked if he was aware of the increase of volume in the River Avon over the last 20 years.

Nigel Smith replied that he did not have that information to hand.

Councillor Les Kew asked when the project was likely to conclude.

The Infrastructure and Development Manager replied that it was likely to take ten years to reach a solution that is funded and implemented. He added that public consultation was likely to take place towards the end of 2015 / beginning of 2016.

Councillor Barry Macrae said that he welcomed the information that had been shared with the Panel as he wanted the community to feel more secure. He added that facts and not fear should rule this argument.

Councillor June Player asked if the potential for flood reduction took into account any proposed new developments.

Nigel Smith replied that the potential improvements in Twerton could see a reduction in risk across the city.

The Infrastructure and Development Manager added that each new site must demonstrate what they will do with regard to flood risk management.

Councillor Fiona Darey asked if there was a minimum water level required for the river.

Nigel Smith replied that a penned water level in Bath, created by Twerton Gate offers a suitable depth for navigation, biodiversity and retaining channel walls and building foundations. He added that in flood conditions the gates are operated by the EA to allow flood waters to be conveyed downstream.

Councillor Cherry Beath commented that she was pleased with the progress that had been made and asked if any thoughts had been given to work further upstream.

The Infrastructure and Development Manager replied that Wiltshire is undertaking a wider catchment study and working on a Water Space Strategy.

Councillor Lisa O'Brien urged officers not to forget the rest of B&NES, particularly after having been made aware of what occurred at Broadmead Lane, Keynsham.

The Senior Technical Officer for Drainage replied that a Section 19 Flood Investigation had been carried out following that incident and that one residential property would now receive additional measures. He added that with regard to the business units at that location, a Repair and Renew Grant application for £85,000 was submitted and approved, however the businesses were unable to deliver the works and apply for the actual Grant monies before the Repair and Renew Grant scheme window had expired. Therefore no mitigation works have been delivered. The Senior Technical Officer for Drainage stated that Broadmead Lane Industrial

Estate is regularly discussed at the Operational Flood Working Group and Strategic Flood Board meetings.

Councillor Les Kew asked if the proposed marina in this area would provide any reduction in risk.

Nigel Smith replied that it would not.

Councillor Fiona Darey asked what would happen if we were to do nothing on this matter.

Nigel Smith replied that it was not an option to do nothing and that the study was looking to reduce the risk of flooding.

The Senior Technical Officer for Drainage addressed the Panel regarding the Local Flood Risk Management Strategy. He explained that a Cabinet decision was planned for December 2015 on the strategy. He informed the Panel that the strategy was for ten years and would be reviewed after five.

He added that the strategy looked to promote community awareness and have a role in preventing inappropriate developments. He said that a stakeholder workshop had already been held and that public consultation on the strategy would take place in September 2015 alongside further debate at a future Policy Development & Scrutiny meeting.

The Chairman thanked the Council officers and Nigel Smith for their reports and attendance on behalf of the Panel. He stated that the Environment Agency has a robust scrutiny function of its own and looked forward to receiving answers to those questions that had been posed by the public. He asked that when the FAQ document that was mentioned is complete that it is posted centrally on the Council's website.

9 PANEL WORKPLAN

The Chairman explained that he and the Vice-Chair had had meetings with officers to populate the current workplan. He said that where possible he would look to theme meetings.

Councillor Cherry Beath commented that the Panel should look to have further debate on Flood Risk Management over the coming year.

Councillor June Player said that the Panel should expect a considerable discussion when they have the matter of Student Accommodation on their agenda.

The meeting ended at 4.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services