

## **BATH AND NORTH EAST SOMERSET**

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

Tuesday, 7th March, 2017

**Present:-** Councillors Will Sandry (Chair), Barry Macrae (Vice-Chair), Colin Blackburn, Lisa O'Brien, Fiona Darey, Cherry Beath and David Veale

**Also in attendance:** Jim McEwen (Drainage Engineer, Drainage & Flooding Team), Jim Collings (Lead Local Flood Authority Manager), Stephen Bell (Business Continuity & Emergency Planning Officer), Cleo Newcombe-Jones (Planning and Transport Development - River Avon Project Co-ordinator), Daniel Noad (Emergency Planning Team) and Tim Hewitt (Regeneration Team Manager)

#### **47 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

#### **48 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

#### **49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies.

#### **50 DECLARATIONS OF INTEREST**

There were none.

#### **51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

#### **52 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

Three members of the public made statements to the Panel as follows:

Dr David Dunlop spoke about the importance of learning from the floods that have affected the UK in recent years. He represented the fears and concerns of those living on the east of Bath who suffered from flooding at Christmas in 2013. He stated that it was acknowledged that sea level will increase by 17% in the next 35 years and having tested the flow of the River Avon there is a 1% chance of flooding in any given year likely to be 25% greater in scale due to climate change. He gave the

record figures for river flow in Cumbria, Tyneside and Northumberland as a result of storm Desmond in December 2015. These rivers all normally have a flow similar to the River Avon. He also made reference to obstruction at the bridges.

A copy of the statement can be found on the Panel's Minute Book.

Alan Aldous spoke about his position on the Strategic Flood Board that brought together partners to discuss flooding in the River Avon catchment area which went from Marlborough to the Mendips to Bristol and out to the Severn, which had a huge tidal range. He showed the Panel a map of the catchment and stated that all the water in Bath came from Wiltshire so there was a need to coordinate with Wiltshire.

He queried a reference to EA marina on page 32 in the Water Space Study which was confirmed as an error.

He went on to discuss land ownership and stated that much of the river was privately owned and BANES was the planning authority.

Ian Herve (Member of Abbey Ward Flood Group and speaks for the Federation of Bath Residents Association on flooding). He referred to the River Avon options appraisal report of September 2016 and stated that none of the schemes will reduce the flood risk for residents upstream of Churchill Bridge. He urged not to direct attention to the changes to the Radial Gate and Weir at Pulteney Bridge as this was a distraction from more important matters. He stated that the Environment Agency were bound by Treasury spending rules and could not justify funding the flood reduction plans laid out in the study. They called for a moratorium on the work at Twerton and Pulteney Weir until a realistic cost analysis of a flood in Bath could be made with an allowance for climate change and a long term scheme for flood risk reduction for all of Bath.

A copy of the statement can be found on the Panel's Minute Book.

### **53 MINUTES - 10TH JANUARY 2017**

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman.

### **54 CABINET MEMBER UPDATE**

The Cabinet Member for Economic Development, Councillor Patrick Anketell-Jones addressed the Panel, see the summary below.

He started off in reference to a point made by Councillor Blackburn at a previous meeting regarding the lack of support for businesses locally. He had discussed this point with Economic Development Officers and informed the Panel that a new officer had been recruited to support businesses in the area. There was a Business Assist Target of 65 per quarter and in the last quarter 83 businesses had been supported.

He went on to inform the Panel about some of the meetings he attended: the Independent Traders and Council Officers where further liaison was planned; a Bath

Preservation event where there was a very good exhibition at Royal Crescent; Kingsmead Square and the Public Realm where it was hoped to create a piazza environment to improve the quality of the area during business hours; he had met with his fellow Bristol City Council Cabinet Member to discuss shared interests like tourism and devolution, the arts and the Arts Council; he had visited the Old Mill site which he believed would be a huge asset to the Council; Bath Quays South where the recent planning application had been heavily criticised by English Heritage and needed reworking; and the waterside and Quays Bridge development which was going to the Development Management Committee the following day.

Following the update there were questions.

Councillor Cherry Beath queried the modification to the development and did not want the employment space affected? Councillor Anketell-Jones responded that the modifications were to the atrium space.

Councillor Cherry Beath spoke of the importance of the Cultural Forum which was a 'not for profit' group and queried whether the group was folding due to lack of funds? Councillor Anketell-Jones replied that the future of the group was under discussion.

Councillor Barry Macrae stated with reference to the recent meetings the Cabinet Member had attended, that they were all in Bath and queried what was happening in Midsomer Norton and the Somer Valley where there was a lack of footfall? There had been a meeting with Bath Tourism and there were no boundaries for tourism in the area and retail. He spoke about local competitors – Southgate and Cribbs Causeway. The Cabinet Member reassured Councillor Macrae that he was thinking of the Somer Valley as well and would welcome an invitation to the local Chamber of Commerce.

The Cabinet Member for Homes and Planning, Councillor Liz Richardson also addressed the Panel, see the summary below.

With regard to the catchment area referred to in the Water Space Study she sat on the Wessex Regional Flood Committee which covered an area including Bournemouth, Poole and South Gloucestershire. She explained with regard to land that local owners put forward land and potential development was put into the plan.

In relation to Housing Services there was a successful bid for £450,000 for housing and technology for people with learning disabilities. There had been another successful bid to the Department for Communities and Local Government enabling an adviser to be put in place to enhance and support those suffering from domestic abuse and a support worker at the refuge. An Empty Properties Officer was newly appointed to review protocols. She acknowledged that it was harder to find these properties now. There was also a trial on Universal Credit, she noted that previously where residents were in temporary Bed and Breakfasts it was easy to get the funding back from government, with Universal Credits it would be difficult.

With regard to affordable housing 170 had been completed this year. CURO was putting Homes and Communities Agency funding into Somerdale where there were 23 units, 14 at affordable rents and 9 under shared ownership.

There was no report yet on the Placemaking Plan but the consultation was finished. There was no news on the Core Strategy and she had a meeting about the Joint Spatial Plan next week. The consultation on Draft Houses in Multiple Occupation (HMO) Supplementary Planning Document Plan was delayed for six weeks due to purdah.

She concluded by saying that there was a quarterly Planning Agents Forum and there was a plan to have a Develops Forum in addition. There was also positive feedback on the planning pre-application forms.

Following the update there were questions.

Councillor Barry Macrae asked if the Planning Agents Forum was just for professionals or could councillors play a role? Councillor Liz Richardson explained that the forum was led by officers and was about the planning process. Any general comments could be fed back.

Councillor Lisa O'Brien asked with regard to the homes for people with learning difficulties, was there a policy for supported housing or was it ad-hoc? Councillor Liz Richardson said there were specialist places and she would be happy to meet her after the meeting to give her more information.

Councillor Fiona Darey asked about support for domestic abuse victims and whether the officer would be in place in the refuge soon? This was confirmed.

Councillor Colin Blackburn asked about refugees and housing? Councillor Liz Richardson stated that there were some more families in the area but the Council Leader was dealing with them.

Councillor Will Sandry queried whether the shared ownership scheme at Western Riverside was less popular due to the service charge? Councillor Liz Richardson explained that it was two-fold the cost of properties in Bath and the service charge.

Councillor Barry Macrae asked about the Placemaking Plan and the Core Plan in light of the West of England Combined Authority (WECA) Mayoral Steering Group? Councillor Liz Richardson explained that the way meetings took place would not change but the Mayor of WECA would have a list of his responsibilities.

**RESOLVED** to note the Cabinet Member updates.

## **55 FLOOD RISK MANAGEMENT**

The Chair, having consulted the Panel, stated that discussion on the Pulteney and Twerton gates would be deferred until the next item.

The Chair introduced Ed Lockington and Deborah Steadman from the Environment Agency and Daniel Noad, Emergency Management Team Leader and Stephen Bell, Communications Hub Manager.

Jim Collings (Flood Authority Manager) presented the report and welcomed discussion and comments. He went on to explain that the Strategic Flood Board was an organisation that looked at risk management and the authorities involved had to co-operate and work together as part of a statutory function from the Flood and Water Management Act (2010).

The Strategic River Group had a tight remit to develop schemes along the River Avon relating to surface water and drainage. Councillor Cherry Beath suggested a report from this group would be useful.

Jim McEwen (Drainage Engineer) explained that they were statutory consultees on all major planning applications and any application needed to demonstrate there was no increased flood risk to the site or surrounding area. With climate change DEFRA (the Department for the Environment, Food and Rural Affairs) stated there was a variable % increase effect on rainfall between 20-40% which is used in the assessment of consequent surface run-off from the site whereas a different climate change factor(s) are used for river flooding assessments.

Councillor Fiona Darey stated that in her experience of working with the South Gloucestershire planners this work was a struggle with small developments and was too much asked for? Jim Collings explained that the Council had been confused by the lack of Government guidance initially but now had developed one regional guide that was to be used for all of the West of England (West of England Sustainable Drainage Developer Guide). Jim McEwen added that the team worked hard to promote drainage standards, for example the team have attended the Planning Forum and they were receiving 50 applications per month.

Councillor Fiona Darey went on to ask about the flow of water from Wiltshire? Jim Collings responded that managing flooding on a catchment scale was the job of the Environment Agency (EA) as they looked at the larger scale and main river systems. Councillor Fiona Darey went on to ask about the flow of water from Wiltshire? Jim Collings responded that passing flow was the job of the Environment Agency (EA) as they looked at the larger scale. Councillor Darey came back and stated that was the issue BANES dealt with surface flow and the EA the larger scale main rivers. Jim McEwen explained that data was collected from properties and if it was surface water they would investigate and give it a score and find the cause and impact. The Drainage and Flooding Team have been working with the Farming and Wildlife Advisory Group recently and there were different incentives for farmers.

Councillor Cherry Beath asked what was seen as successful progress in the area and what was the main difficulty? Jim Collings explained that work in Chew Magna had been a success and work to improve the ford at Chew Stoke and he was pleased when the team could carry out schemes to stop people from getting water in their homes. The challenges were making people aware of what the Council does in this area and how they do it. Ed Lockington (EA) added that through the Council's work with the Strategic Board there was a better understanding of what we do and if there was a major problem the strategies would work well.

Mark Minkley (Planning Team Manager, Environmental and Design) stated there was a Catchment Area Co-ordinator who worked closely with Bristol,

Gloucestershire, Wiltshire and Wessex Water and there was a catchment management plan.

Councillor Barry Macrae stated that the public should see from the report that there is a group of professionals who are alive to what could happen in relation to flooding and have a plan. However his question was the sources of income as the authority did not own the river so what liabilities did the home owner have? Ed Lockington (EA) explained that for the main River Avon the EA manage the flood risk with public funding. For the riparian owner or home owner they owned up to the central point in the river, they could not be asked to build a wall but could seek planning permission. Any development adjacent to the river through the planning process went to the EA for consultation and there were separate regulations to manage development near the river to manage the risk to the property and other land owners. Councillor Macrae asked if they had the power to stop development? Ed Lockington stated that through planning they could object but not stop the application, but through the Flood Risk Regulations they could stop development. When Wiltshire was the planning authority they had to ensure that any development up river did not increase the flood risk downstream in the Bath area. Jim Collings added that there were similar powers for the ordinary water courses but not so powerful.

Councillor Lisa O'Brien asked that with Wiltshire upstream of Bath did the EA know if they had proactive views? Ed Lockington replied that the EA did look at upstream management and also promoted catchment management but commented that it was a huge area.

Councillor Fiona Darey asked with the pressure of climate change were the studies in flood risk management looking at preventing risk or minimising? Ed Lockington answered that you could never prevent flooding as it was a natural occurrence, the EA focus was managing the risk via physical engineering, planning and awareness.

Dr David Dunlop (public speaker) asked that as part of the Bath Transport Package the Bathampton Meadows were to be used for water storage, but BANES and the EA had agreed that upstream storage was no longer viable, would this be reviewed? Ed Lockington stated that in terms of storage, hard engineering would be a big dam but the EA was not looking at that. They wanted to work with others on natural flood management and that was the long term aspiration. Councillor Anthony Clarke (Cabinet Member for Transport) explained that with regard to the proposed Park and Ride there was no intention to build on the flood meadows. He appreciated the hard work of Jim Collings and his team on their work with rural areas and the interaction with highway colleagues.

Councillor Barry Macrae queried if they were not looking at storing the water upstream were they looking at moving it on? Ed Lockington answered that water would be stored so as not to cause an adverse impact during any flooding then later it would be allowed to run off into the Severn. Alan Aldous (public speaker) stated that it was a simple fact when it was a high tide in Bristol it was land-locked.

Councillor Will Sandry asked if the Emergency Team did any testing? Stephen Bell explained that there was a Major Incident Plan, an Evacuation Plan which had been tested in May 2016 when there was an unexploded bomb in Lansdown and a Flood

Plan. If there was a fire they would liaise with the Met Office. They were working with the EA to test the plan in Spring/Summer 2017. They usually undertook two testing exercises per annum.

Cerys Humphries (member of the Abbey Flood Group) asked about the area of the City Centre Evacuation Plan? Stephen Bell stated that which evacuation centre was used was dependent on the location. They would look at routes with highways and get key people working together to plan the evacuation. It would also be dependent on the numbers of people affected.

Councillor Will Sandry thanked all the officers for their hard work on the report and said the Panel had gained a better understanding of Flood Risk Management as a result. As part of his background preparation he had looked at the agenda and minutes of the Strategic Board and taken reassurance from that.

**RESOLVED** to note the report.

## **56 WATER SPACE STUDY AND TWERTON AND PULTENEY GATES PROJECT**

Tim Hewitt, Regeneration Team Manager, gave a presentation on the Strategic Flood Project a joint project to prioritise funding bids and develop a business case to replace or refurbish Bath's water level control gates at Twerton and Pulteney. He explained there was partnership between BANES and the Environment Agency (EA). The gates needed investment to avoid future failure putting 500 properties at risk.

He gave a detailed explanation of the different proposals and recommended option 2 as it had the biggest benefit within a cost which could be achieved through grant funding without significant Council support. It would maintain the current performance of Twerton gate, and enable some improvements to the Pulteney gate. This option did not preclude further works in the future should funding become available.

Councillor Fiona Darey asked what the timescale for the programme was? Deborah Steadman (EA) stated that the business case would be next year with a solution in approximately two years, depending on which option there would need to be public engagement and a cost assessment nearer the time.

Councillor Cherry Beath asked about the extent of the aesthetic improvements to Pulteney as part of the work? Tim Hewitt said that Pulteney Bridge was Grade 1 listed along with the buildings and the Radial Gate could do with some work to help improve the surroundings and the public realm. He indicated there was the potential for redevelopment of the rugby ground at the same time as large machinery would be needed for the work and combining the two might be sensible.

Councillor Colin Blackburn asked about the gate condition survey results? Ed Lockington (EA) stated that the results of the condition assessment were not yet available so the exact issues were not yet known. The results of diving and samples taken to assess the condition would be known by the end of the month. Dr David Dunlop asked about the funding if the UK was still in Europe.

Councillor Barry Macrae queried the logic in looking at this when realistically money was tight? He said the priority was lives not the buildings. Councillor Fiona Darey followed by asking if the gate failed now could there be an immediate solution? Ed Lockington (EA) replied that there are contingencies in place and emergency works would require a large crane. Councillor David Veale said that with tons of water coming down it would seem to be more urgent and followed by talking about Italy and the recent earthquakes where there were so many unknowns? Ed Lockington responded again that it was a high priority and the EA was looking at the optimum way forward. With the condition survey results ready at the end of the month we should find out if it was more or less urgent. Bath had a good level of flood alleviation in place which was why there was no more frequent flooding. He believed the baseline position was good but further assessment was needed and he acknowledged there were not huge amounts of money so maintenance of the gates was important.

Cerys Humphries (Abbey Flood Group) sought clarification on access to the Pulteney Gate and queried if the EA had access rights across the recreation ground? Tim Hewitt said there was an opportunity to co-ordinate work with a possible new stadium for Bath rugby if they applied for planning permission. However there was no link between the two.

Councillor Lisa O'Brien asked about the money from the EA this year but if the work was done in five years could the money be ring-fenced? Ed Lockington (EA) stated there was an amount of money potentially to support flood risk management from the government. There was a six year programme and a bidding process. If the issues were more pressing they could get the money sooner.

Councillor Lisa O'Brien commented that it seemed that the report on the condition of the gates was pivotal to the Panel decision and the Panel needed that information. The Chair reminded the Panel that they were being asked to provide comments on the project.

Councillor Fiona Darey stated there was a need for an achievable scheme but if the report came back stating there was imminent danger then immediate work would be needed. She was disappointed the report on the condition of the gates was not available. Ed Lockington (EA) took on board the concerns and stated it was their job to manage the risks and assets and they would take action appropriate to the risk. If there was a greater risk they would move more quickly and perhaps do some interim measures.

The Chair thanked everyone for their comments and stated the Panel was supportive of the progression of option 2 in the proposals for the Twerton and Pulteney gates at a cost of £6 million.

Councillor Barry Macrae moved, seconded by Councillor Lisa O'Brien, option 2 in the proposals for refurbishing the Twerton and Pulteney gates. All members of the Panel were in agreement.

**RESOLVED** that in respect of the joint project to prioritise funding bids and a detailed business case to replace/refurbish the Twerton and Pulteney water level control gates, the Panel agreed they supported Option 2.

There followed a presentation by Cleo Newcombe-Jones (River Avon Project Co-ordinator) on the Water Space Study. She explained that it was a draft report. She had worked on the report with the Strategic River Group and in partnership with the Environment Agency, Wessex Water and the Canal Trust. The study gave details of various topics: local authority land ownership but not riparian; mapping. a survey of live-on board boaters; events like the Festival of Nature; development and regeneration; nature conservation; character areas; an overview of projects; Bath Marina and the caravan park. She concluded by stating that the key projects for the Strategic River Group would be finalised in March, then an action plan would be agreed with partners.

Councillor Fiona Darey asked about a link between Kensington Meadows and Cleveland Pools? Cleo Newcombe-Jones reported there was planning permission for a pontoon at Cleveland Pools and that the study supported a proposal for an extended river taxi with extra stops.

Councillor Lisa O'Brien queried the omission of planning applications around Keynsham for a marina and related activities? Cleo Newcombe-Jones stated that the focus had been on river moorings. The future potential for a marina in Keynsham was not supported, unless as part of wider proposal to remove land from the Green Belt at north Keynsham. It was noted that there was limited expansion potential at the existing marinas.

Councillor Cherry Beath asked about affordable housing and moorings? Cleo Newcombe-Jones explained that living aboard a boat can be a form of lower cost housing, however, it was not a substitute for affordable housing. Some people living on board boats had stated that if other housing was available that would be more preferable.

Councillor Barry Macrae congratulated Cleo Newcombe-Jones on the detailed and comprehensive report and supported the public consultation and any future liaison and negotiation. He noted it should be made clear that the principles could also apply to other parts of the district such as the waterways in the Somer Valley. Cleo responded that some were volunteer projects, some lower cost and some higher.

Councillor Will Sandry concluded the discussion and said it was a fantastic report and the mapping was really useful along with clarification of funding. The Panel was informed that the Water Space project had been short-listed for the 2017 National RTPI (Royal Town Planning Institute) planning excellence awards and the Panel wished their support for this to be minuted.

**RESOLVED** that members' comments in respect of the Draft Water Space Study be noted.

**57 PANEL WORKPLAN**

The Chairman introduced this item to the Panel. He explained that at the next meeting the Chair of the City of Bath World Heritage Site Steering Group would be reporting. He would be finishing in his role after four years and it was felt appropriate to bring the report to this panel.

Councillor Barry Macrae suggested a future item on the future of retailing in district centres.

Councillor Lisa O'Brien suggested two items – the economic development aspect of tourism and how communities can be supported to enhance their environments and a future update item on the Mulberry Development.

**RESOLVED** that items for the Workplan be noted.

The meeting ended at 5.05 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**