

Appendix to Proof of Evidence - Flood Risk and Surface Water Drainage

On behalf of Mead Realisations Ltd

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Appendix A - Exception Test (part a) – Flood Risk Opportunities

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Introduction

1. A Flood Risk Assessment (FRA) was prepared by Vectos in July 2019 (**CD1.13**), which supported the planning application. It included a surface water drainage strategy. The FRA was informed through information from, and/or consultation with, the Environment Agency (EA), Lead Local Flood Authority (LLFA) and North Somerset Levels Internal Drainage Board (IDB).
2. These statutory consultees had no objection with respect to the FRA; flood risk and surface water drainage was not a reason for refusal.

Exception Test

3. Paragraph 164 of the National Planning Policy Framework (NPPF) states “The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
 - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”
4. Paragraph 165 of the NPPF states “both elements of the exception test should be satisfied for development to be allocated or permitted.”
5. The statutory consultees had no objection with respect the FRA; flood risk and surface water drainage was not a reason for refusal. Therefore, ‘part b’ was passed.
6. Walsingham Planning addressed ‘part a’ of the exception test, which was a reason for refusal. In the Decision Notice (**CD3.2**), North Somerset Council stated that “The proposal would not provide wider sustainability benefits to the community that outweigh the flood risk. The application therefore fails the Exception Test. This is contrary to Policy CS3 of the North Somerset Local Plan, paragraphs 164, and 165 of the National Planning Policy Framework”.

7. Mr Jewson will address the various aspects of the Exception Test, but I have been asked to prepare this note to outline further flood risk sustainability benefits to the community are to be offered that contribute towards 'part a' of the test.

Flood Risk Sustainability Benefits

8. The Appellant lives locally and is very familiar with the flood risk and drainage mechanisms. The Appellant has identified potential works and financial contributions that can offer improvements to the local flood risk management requirements. These will benefit the wider community and will contribute to the requirements of 'part a' of the Exception Test. Figure 1 identifies the location of these various opportunities.

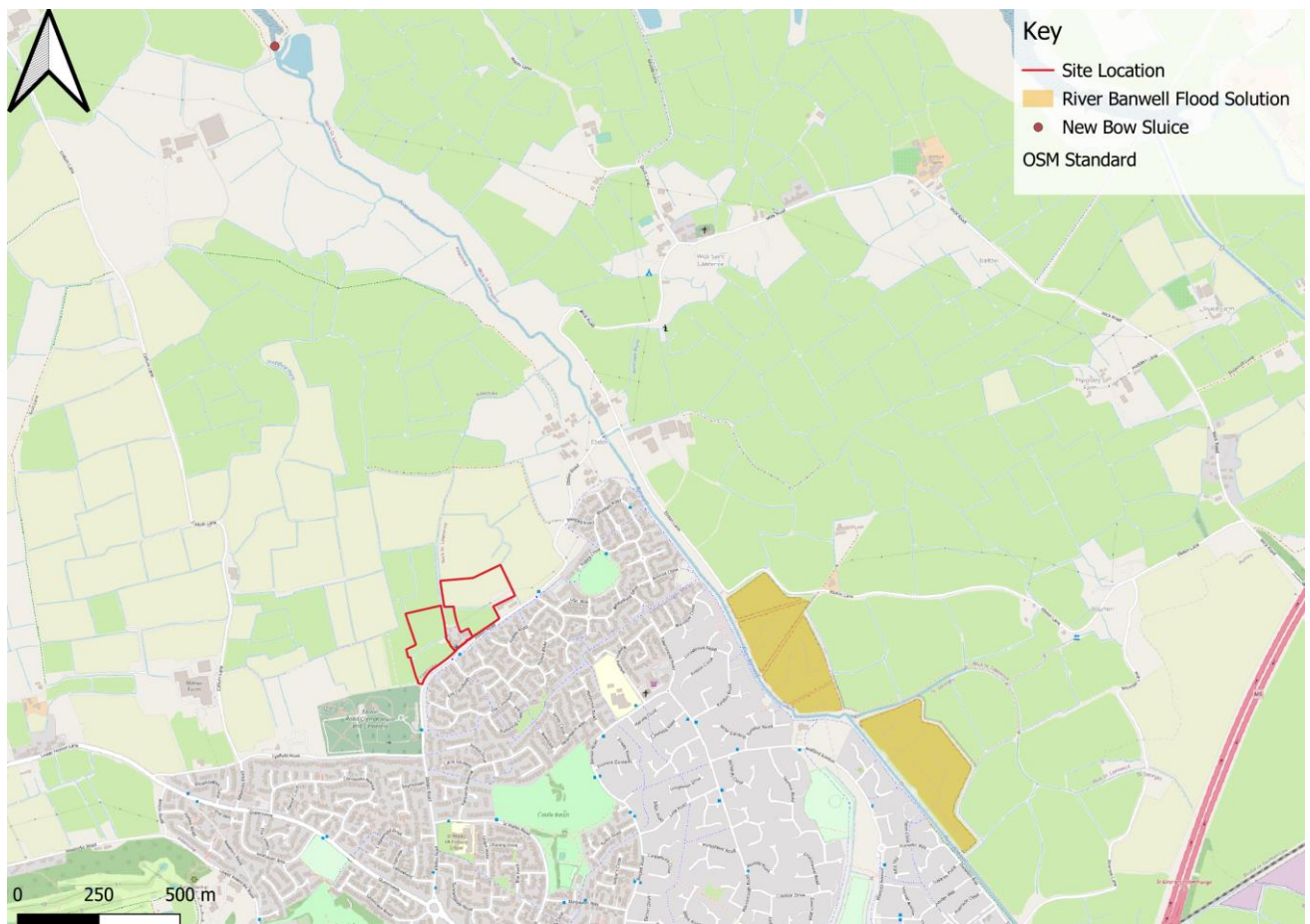


Figure 1: Location of Potential Improvements to Local Flood Risk Management

River Banwell Flood Solution and New Bow Sluice

9. The appeal site is located within the catchment of the River Banwell; the river is located approximately 450 m to the northeast of the appeal site.

10. Royal Haskoning were engaged by North Somerset Council, the Environment Agency, South West of England Regional Development Agency and English Partnerships to undertake the Weston Flood Management Study.
11. The Weston-super-Mare Flood Management Study Phase II Options Report (**CD8.62**) was prepared by Royal Haskoning in June 2007. It states that the River Banwell is situated to the east of Weston-super-Mare. The river rises at a spring at Banwell Village, drains the surrounding agricultural land and discharges through New Bow Sluice, a tidal defence structure. The current sluice was constructed in 1990. The gradient of the river channel is very shallow and the flow in the river is consequently dominated by daily tide locking at the New Bow sluice. This restricts the drainage of the river into the sea at high tides; drainage into the sea is therefore limited to low tides.
12. According to the Weston-super-Mare Flood Management Study Phase II Options Report (**CD8.62**), various scheme options were considered for the River Banwell catchment, which aimed to provide flood management for existing properties and future development sites.
13. The Weston Villages Strategic Flood Solution River Banwell Modelling Report was prepared by Royal HaskoningDHV in March 2013 (**CD8.63**). The modelling report presents a summary of some of the scheme options that were considered for the River Banwell catchment. This report states that a variety of post development options were considered for the River Banwell. However, it focusses on Option 2, which considers lowering ground elevations downstream of the railway and M5. It also assumes that a second sluice gate at New Bow sluice would be automated to remove the need for manual operation. This would mean that both sluice gates become automated, which would help to ensure that the structure is fully open and to allow an optimum volume of water to be released from the system during low tide and minimise the accumulation upstream. The need for manual operation introduces additional risk if circumstances arise that the sluice cannot be opened when required.
14. The lowering of ground elevations downstream of the railway and M5 was completed but the automation of the second sluice New Bow sluice was not undertaken.
15. There have been no fundamental changes in circumstances since these recommendations were made and therefore, they remain valid.
16. Rotork UK Ltd were involved in the automation the first sluice at New Bow sluice. They have now confirmed that the automation of the second sluice would cost approximately £10,000 for the supply and installation of these works (**CD 8.56**). The applicant is willing to pay up to £50,000 for the automation of the second sluice.
17. It is anticipated that the works would be completed by the Environment Agency, who have permissive powers to manage flood risk from main rivers (i.e. including the River Banwell). Therefore, access rights are available and are not an obstacle to the works.
18. The lowering of ground elevations downstream of the railway and M5 was undertaken in land owned by the applicant.

19. According to the Weston Villages Strategic Flood Solution River Banwell Modelling Report (**CD8.63**), the River Banwell flood solution was designed with a 20% allowance for climate change. The current estimates, as presented on the Defra Climate Change Allowances Data Services Platform¹, in the River Banwell catchment are at least 26%.
20. The Appellant is willing to increase the extent of this ground lowering, at their cost, currently incorporated in the flood solution by 5%. This will provide more space for water and will help to future proof the flood solution by mitigating some of the adverse impacts of climate change which are likely to reduce its operational effectiveness.
21. The proposed improvement works that have been offered are anticipated to provide significant wider sustainability benefits to the local community.

Summary

22. Flood improvement measures have been identified that the Appellant is prepared to offer, which will contribute towards 'part a' of the Exception Test. These measures are considered to result in tangible benefits to the local flood risk management requirements and thus the local community.

¹ <https://environment.data.gov.uk/hydrology/climate-change-allowances/river-flow>