

## Programme Officer

---

**From:** Nick Bryant  
**Sent:** 02 February 2016 10:19  
**To:** Programme Officer  
**Cc:** Martin Wilsher  
**Subject:** West Somerset Flood Group Representation  
**Attachments:** local plan response formal.docx

Dear Salla,

Having looked through our records I can confirm we did receive a response from the Flood Group on 13 March. Please can you arrange for this email and the attached response to be uploaded to the Examination Website and be made available to the Inspector.

It may be worth checking with the Inspector whether he would wish that the original response dated 6 March be removed and replaced on the website or whether it is sufficient for this correspondence to be uploaded to the Examination page.

Apologies for any inconvenience caused to any parties.

Kind regards

Nick

Nick Bryant  
Planning Policy Manager  
Taunton Deane and West Somerset Councils  
Tel: 01823 356482  
Ext: 2425  
[www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)

FORMAL REPRESENTATION TO WEST SOMERSET COUNCIL CONCERNING THE DRAFT LOCAL PLAN

From the West Somerset Flood Group

(representing towns and parishes in West Somerset)

13 March 2015

Attn Martin Wilsher, Principal Planning Officer - Policy

Dear Mr Wilsher,

This response to the Draft Local Plan published in February 2015 would have been much better made at an earlier point in the development of the Local Plan, but, unfortunately, the West Somerset Flood Group has only been formed since that time in response to concerns over the growing threat of flooding in West Somerset. Our members are towns and parishes active in working against flooding.

Since the Local Plan was drafted and key strategic development sites were chosen, the issue of flooding in the planning process has moved up the agenda. This is partly due to the severe recent flooding in the district, much of which has been caused by surface water, problems with ordinary watercourses and sewer capacity, and partly by the halt that has been called to the implementation of Schedule 3 of the 2010 Flood and Water Management Act, which will result in a far weaker regulatory structure for drainage than that first envisaged under the Act.

There are therefore certain aspects of the Local Plan as it currently stands which urgently need to be addressed if its policies are not to contribute to flooding in the District, which we are sure is not its intention. Particular attention needs to be paid to development sites *as sources of flooding elsewhere*, whether due to their existing topographical characteristics or to the way they might be connected into existing overloaded surface-water drainage and sewage systems. Being in fluvial Flood Zone 1 or 0 may show that there is little or no risk of flooding from rivers, but in West Somerset it is often an indicator that the proposed site is located on a hill which may be a source of run-off, causing flooding to properties that lie below.

We would urge WSC to take the concerns outlined here seriously. One development on a key strategic development site in Williton (The Paddocks) designated in the Plan has already suffered from flooding at its access point because concerns about flooding were ignored. A further site in Carhampton that has been approved without sufficient attention to drainage and sewerage is currently causing many headaches, and the first Hopcott site in the Minehead key strategic development area has been passed for development by appeal, leaving major concerns over run-off unresolved, given that this area is designated as a source of Minehead's surface-water and sewage flooding in the Minehead Surface Water Management Plan.

We would point out that:

- a. Current practice in WSC planning is to pay attention only to fluvial flood zones.
- b. County maps of surface water risk, while available, only show where water ends up, not where it comes from. In any case, it would appear that these are not consulted by your planners.

- c. The Surface Water Management Plan for Minehead has not been included as part of the evidence base for the decisions made in the development of this plan. Although the key strategic sites for Minehead lie outside its remit, the area it covers will be directly affected by development in the proposed areas and it provides significant information on drainage which should raise a red flag immediately for the proposed key development area. SFRA Level 2 is of no use in assessing surface water issues as it doesn't address this threat.
- d. It is not always possible to devise a SuDS which leaves a site with neutral or negative flood impact.
- e. Assessment of the flood risk to a given site will fall largely on the developer, who cannot be described as anything other than an interested party.
- f. Assessment of applications by SCC as a statutory consultee will be dependent on the quality and range of information provided by the developer. If insufficient information is provided, SCC will not be able to form a view.
- g. There is no legal process to enforce the maintenance of SuDS once they have been implemented.
- h. Wessex Water is not allowed to refuse connection to a sewer, even if the capacity of the sewer is insufficient.

As a consequence, there is a great need for the Local Plan's policies on flooding to be robust and realistic. In particular, where general statements are made about reducing flood risk, there should be some indication as to how this is to be achieved, or these statements will remain empty words. Equally, there is no point paying lip-service to concerns over flooding if the sites designated as key strategic development areas are already a source of flood risk. Our concerns about this plan are therefore on the grounds of *soundness*.

We recognise that, with regard to flooding from surface water, information is inadequate and patchy. However, this is *greater* reason for planning policies to build in every possible precaution to protect the people of West Somerset. Given the wholly inadequate information provided in the SFRA, which is your intended 'starting point', then relying on a report commissioned by the developer as your only other source of information is hardly likely to produce unbiased and sensible decisions.

Tim Burton has been sent a draft version of this response and, as I have discussed with him, representatives of the West Somerset Flood Group would be very happy to meet with him, yourself and Mr Clempson to discuss a way forward.

With all good wishes,

Dr Teresa Bridgeman  
Secretary, West Somerset Flood Group  
Rose Villa  
Roadwater  
Watchet  
TA23 0QY  
Tel: 01984 640996  
Email: pawmark@btinternet.com

WEST SOMERSET FLOOD GROUP  
DETAILED RESPONSE TO DRAFT WEST SOMERSET LOCAL PLAN TO 2032

We consider this plan to fail the test of soundness in the following ways:

**Introduction 3.2 Evidence Base.**

The evidence base relating to flooding for this Local Plan is out of date, incomplete and flawed. This fact in itself negates the majority of assumptions made in the plan about flooding (particularly in relation to the three key development communities of Minehead, Watchet and Williton).

Why has the Minehead Surface Water Management Plan not been included in this evidence base? It provides detailed information on sewage and drainage infrastructure in Minehead that would be directly impacted by any development in the designated key strategic area. It also indicates that some of this infrastructure is already over-capacity. Although the key strategic area is outside the area covered in the study, it nevertheless appears in that study as a. the area which is the source of much of Minehead's flooding from rainfall (being located on the hills to the South of the town) and b. an area where any existing roads and developments show high surface water levels in the pluvial rainfall model (SWMP figure 3-7).

The Minehead SWMP is not only an important document, its scope also urgently needs to be increased to take in possible sites for future development as well as existing development.

The Level 1 and 2 Strategic Flood Risk Assessments are:

- a. Out of date
- b. Totally inadequate in their approach to surface-water flooding and, indeed, to historic flood events.

To summarise the shortcomings of these documents, SFRA Level 2 reports, which should provide a close-up view of flooding in major settlements do nothing of the kind because of the selective approach to sources of flooding. Other than information from the Environment Agency on fluvial and coastal flooding, treatment of other types of flooding (vaguely historical in nature) is seriously patchy. For example, in one parish alone (Old Cleeve), historic data does not include the very serious fluvial floods in the 1960s in Roadwater, nor is there any record of surface water and sewer flooding in Washford in locations known to have flooded from these sources in 2000.

It would appear that the approach in this Local Plan has been: if there is no evidence in the out-of-date and incomplete documents we have referred to then there is no problem. The number of flood events in 2011-12 and 2012-13 around West Somerset in locations not even mentioned by the SFRA documents demonstrate how little they are to be relied on as an accurate source of data.

**Policy SC1.5 Hierarchy of settlements**

We propose that a further condition should be added to those in SC1.5:

## F. IT DOES NOT INCREASE THE FLOOD-RISK ELSEWHERE

While this provision is to be found in current national planning guidance, (eg NPPF para 103), it is of sufficient importance to be stated clearly and unambiguously here.

### **Policy MD1:**

CONTRIBUTE TOWARDS RESOLVING THE FLOOD RISK ISSUES WHICH AFFECT THE SETTLEMENT INCLUDING IMPROVING THE SEA DEFENCES PROTECTING THE EASTERN END OF THE TOWN

While laudable in principle, this is far too vague. There is no indication of how this is to be achieved. There is no indication of what policy exists in order to ensure such contributions are made (Section 106 doesn't help here, as it cannot be applied to 'maintenance' and flood defences are considered to fall into this category). The reference to the flood defences at the eastern end of the town is confusing as it would appear to apply to an area of flood defences under the control of the Environment Agency whose policy here is 'Do Nothing'.

'Contribute' here is assumed to mean financial contribution. Certainly, in practical terms, the building of houses in the key strategic area can only 'contribute' to greater drainage problems in Minehead merely by the fact that they will be connected into a sewer which is already over-capacity and has to carry both surface water and sewage.

Under '**Justification**' in this section 'Environmental considerations' only take account of coastal flooding, while the Surface Water Management Plan is mentioned but its contents ignored.

Coastal flooding is only one source of flood risk (this is one of the major flaws of SFRA 2, which does *not* give a detailed overview of flood risk to Minehead, Williton and Watchet but a selective one, concentrating only on *certain* sources of risk as it plainly states).

### **Policy MD2**

Key strategic development allocation at Minehead/Alcombe

THE DEVELOPMENT MUST BE FACILITATED BY THE APPROPRIATE INTEGRATED PROVISION OF TRANSPORT, COMMUNITY AND FLOOD RISK MANAGEMENT INFRASTRUCTURE.

No details are provided of what is meant by 'flood risk management infrastructure', nor even of who is responsible for providing it. It is not clear either, whether this is part of the 'indicative masterplan' or additional to it. What would inform this provision? This must be made more explicit. Sewage and drainage should be mentioned explicitly.

NB THIS ALSO APPLIES TO REFERENCES TO A 'FLOOD RISK MANAGEMENT INFRASTRUCTURE' IN THE PLANS FOR WATCHET AND WILLITON.

**Assumptions.** The grounds for the assumption that the provision of strategic development will 'help to minimise the risk from flooding' are nowhere demonstrated in this document.

**Justifications.** ‘The land identified by this policy is unconstrained by specific flooding or landscape designations.’

This is a misleading representation of the relationship of this land to water management in Minehead. While the land is unconstrained in the sense that it is not on a designated fluvial flood plain, this does not mean that development of this area will have no impact on flood and water management in the town. The statement gives a false image suggesting an unproblematic site.

The Surface Water Management Plan, briefly referred to in MD1, but not in this document’s evidence base (see above), clearly shows that this land, while outside the area covered by the plan, is the route by which water from the hills south of Minehead flows into the town: ‘It is recognised that surface water may enter the study area from adjacent areas, most notably from the steep hill slopes to the south and west.’ (SWMP p. 20). See also SWMP Fig 3-7.

#### **Policy WA1**

Proposals must ‘CONTRIBUTE TOWARDS RESOLVING THE FLOOD RISK ISSUES WHICH AFFECT THE SETTLEMENT’.

There is no indication in this plan of what these issues are and how proposals are to make this contribution.

#### **Policy WA2**

FLOOD RISK MANAGEMENT INFRASTRUCTURE’

As in MD2, there is no indication of what this would involve. Again, sewage and drainage are crucial issues and if the system is to be upgraded there must be some indication of what will be done in this Plan.

#### **Policy WI1**

WHERE APPROPRIATE, DEVELOPMENT MUST CONTRIBUTE TOWARDS RESOLVING THE FLOOD RISK ISSUES WHICH AFFECT THIS SETTLEMENT.

‘Where appropriate’ makes this statement ineffective. Again, ‘contribution’ in the form of Section 106 monies’ is not possible as this cannot be levied for maintenance. No parameters of ‘appropriateness’ are stated.

**Purpose:** A change has been made to earlier versions of this document in order to accommodate reference to the Water Framework Directive which has weakened provisions relating to flood relief and mitigation. This change is perhaps unintentional.

The plan previously stated that strategic development plans should ‘**assist with the management of these watercourses so that their flood risk becomes less**’. This has disappeared.

Instead, this section now states only that 'Any management changes proposed to these watercourses in association with Strategic development at Williton should be considered in the context of .... Water Framework Directive'.

There is absolutely no reason why the specific requirement to mitigate flood risk should not appear alongside the need to protect 'Good Ecological Status'.

Please reinstate.

### **Policy W12**

Again, Reference to 'provision' of FLOOD RISK MANAGEMENT INFRASTRUCTURE pays lip service to the risk of flooding while failing to set out any ways in which such a policy would or could be implemented.

### **Policy LT1**

The land in LT1 in the Minehead area presents similar flood-risk problems to those in the key development area.

It is not stated how a new alignment for the B3191 is to be achieved.

### **Policy CC2**

'DEVELOPMENT PROPOSALS SHOULD BE LOCATED AND DESIGNED SO AS TO MITIGATE AGAINST AND TO AVOID INCREASED FLOOD RISK TO NEW AND EXISTING DEVELOPMENT.

'TO NEW AND EXISTING DEVELOPMENT' is too limited in its scope.

We propose that it should be replaced with 'ELSEWHERE' in accordance with the formula used in NPPF (ie NPPF para 103).

**Justification.** 'The policy applies the flood risk management provisions set out in NPPF Paragraph 100.'

No, it fails to do so. In particular, SFRA Levels 1 and 2 are not adequate to enable the Local Plan to 'develop plans to manage flood risk from all sources', given the extreme selectivity of SFRA 1's historical record and the total absence of any assessment of risk from surface water in SFRA Level 2. Nor has advice been taken from the lead local authority in that the Minehead SWMP has been ignored in the evidence base and no reference has been made to SCC's surface water flood risk maps.

### **Policy CC3**

You refer to the superseded National Policy framework PPS 25. This should be changed.

### **Policy CC6 Water Management**

This policy is not clear enough to enforce (for example in respect of the reference to accessibility to existing watercourses for maintenance, failing to state what this involves). It at no point even mentions sewage management which is a key aspect of protecting water as a resource and property from flooding.

AREAS AT CUMULATIVE RISK OF FLOODING BY TIDAL, FLUVIAL AND/OR SURFACE WATER RUN-OFF.

Why should only areas at 'cumulative' risk of flooding be protected? 'Cumulative' should be removed.

Further detail is required in both the policy and the justification to set out how water is to be managed.