



## **North Devon Council**

Report Date: 7<sup>th</sup> March 2022

Topic: Barnstaple Flood Defences update

Report by: SarahJane Mackenzie-Shapland - Head of Property, Place and Regeneration

### **1. INTRODUCTION**

1.1. This report updates members on the provision of Environment Agency (EA) Flood defences for Barnstaple, given re-modelling undertaken by the EA. This remodelling gives rise to the need for members to re-consider the Local Authority stance in relation to development and flood risk.

### **2. RECOMMENDATIONS**

2.1. That members agree a revised strategy for safe development in terms of flood risk, to enable officer's to consider applications on a case by case basis, taking into account, mitigation and other social, economic and environmental benefits.

### **3. REASONS FOR RECOMMENDATIONS**

3.1. To allow officers to make informed decisions on development proposals whilst protecting those affected and ensuring that the aim to deliver the defences in the long term is still achievable.

### **4. REPORT**

4.1 The Barnstaple Flood Defence Improvements Study and the Phase 2 Advanced Design Studies for Mill Road/Pilton Park were completed in 2016. This covered improvements to flood defences to protect Cells A and B which extend from Bradford Water down to the River Yeo, including the Mill Road and Pottington areas of Barnstaple. The work to improve the existing flood defences would make Barnstaple more resilient and help protect the town against the effects of climate change.

4.2 This work was included in the EA project pipeline with detailed design work due to commence in 2021 and construction in 2023. The scheme had an estimated cost of £7m, with £5.5m coming from Government Flood Defence Grant in Aid. The funding gap of £1.5m still needed to be found from other sources, which was being investigated by the Council with EA support.

4.3 The proposed improved flood defences would include both sides of the River Yeo, with the eastern side laying in Cell C (Pilton Park, The Strand and town centre). Any improvements to the defences would be needed on both banks of the river simultaneously to be effective.

4.4 The EA and NDC have worked in partnership for some time to explore the upgrading of flood defences in Barnstaple. This has resulted in the delivery of

new defences at Anchorwood and identified what is required on the opposite bank as described above.

- 4.5 Any improvements on the Town Centre river bank of the River Taw/Yeo would increase protection against climate change for existing properties, extend the lifetime of existing flood defence assets and help unlock brownfield regeneration sites. This was based on the flood model produced in 2016 and the guidance available at the time.
- 4.6 To refine the data contained in their capital programme, the EA carried out some analytical work and an outline cost benefit assessment was conducted in June 2021. This interrogated the 2016 model data, and used their understanding of the underlying flood risks and climate change guidance to examine the current condition and expected lifespan of flood defence assets in Barnstaple.
- 4.7 This review has revealed that the current defences offer a better standard of protection to existing residential properties and have a longer residual life than originally thought. The defences should be able to handle current and future climate change flood risk (sea level rise and increased river flows) until the 2050s and with only minor works the lifetime of the existing defences can be extended to meet these demands.
- 4.8 As such, the Barnstaple flood defence programme is no longer an immediate priority for the EA. As a result the upgraded flood defences have been removed from the EA pipeline programme and the monies are no longer available. DEFRA funding is based on protecting existing properties and does not take into account the release of land for additional housing. This of course has significant implications for the regeneration of Barnstaple, the housing crisis and five year housing land supply as when allocating sites and determining planning applications, sites must show that they are protected from flood risk for the life time of the development (or 100 years for residential development). The models show that the current defences would need upgrading in the next 30 years.
- 4.9 Ongoing discussions have taken place with the EA in relation to both how we consider existing applications and those that will come forward before the realisation of the defence work.
- 4.10 If a planning application is received for residential development in an area at risk of flooding it must first pass the sequential test (i.e the LPA must be satisfied that the development cannot be located elsewhere, or that when applying the sequential test, the wider sustainability benefits outweigh the ability to relocate it). If development can pass the sequential test then the exception test must be applied and show that the development will be safe for its lifetime and won't increase flood risk elsewhere.
- 4.11 Historically this Council as Local Planning Authority has resisted applications that have relied on evacuation plans and safe refuge to meet the exception test and have insisted that if development will be affected by flood risk over the course of its lifetime that the finished floor level of residential accommodation

must be built above the anticipated flood level and that safe access and egress must be achieved.

4.12 The Environment Agency advise that the acceptability of safe refuge is at the discretion of the Local Planning Authority in discussion with the Local Authority's Emergency planning officer.

4.13 Your officers have met on a number of occasions to consider the acceptability of evacuation and refuge and consider that each case would need to be determined on its individual merits in terms of risk and the planning balance. If mitigation plans are accepted by the emergency services and appropriate evacuation, refuge and mitigation measures can be identified then taking into account, social, economic and other environmental benefits, officers consider we should be supporting proposals rather than delaying the opportunity to boost housing supply and support the regeneration of the town. The mitigation measures might include safe refuge, an emergency evacuation plan across all accommodation, agreement with the emergency services etc.

#### Flood Defence Programme

4.14 Alongside this, your officers and the EA have been discussing the delivery of the flood defences with Homes England to see if they are able to assist in helping with funds and accelerating their delivery, as it would release land for the delivery of housing. These discussions are ongoing. The following is being discussed:

- The amount of land and therefore homes that would be released as a result of the defences,
- The timing of updated EA modelling work and costings to enable a funding application to be submitted,
- The relationship of this work with the timing of the Local Plan review and potential site allocations,
- Any ability to co-fund this work with developer contributions

4.15 This work will continue, however, development that is permitted in advance of any funding being secured would not contribute to the number of homes released. This does reduce the Council's ability to obtain funding for the defences and is a risk of permitting development to come forward early but that is for member's to balance against the benefits of doing so, in their decision making. At present there is no guarantee as to the availability of this funding and your officer's will continue to work with colleagues to seek a solution in this regard.

## 5 RESOURCE IMPLICATIONS

5.1 Internal resource required from Planning and Economic Development.

## 6 EQUALITIES ASSESSMENT

6.1 There are no specific equalities matters as a result of this report. Any matters will be considered in the relevant planning application.



## 7 ENVIRONMENTAL ASSESSMENT

7.1 This report will have a generally positive impact in both the management of flood risk in new development and the efficient use of brownfield land avoiding unnecessary additional pressure on greenfield sites.

## 8 CORPORATE PRIORITIES

8.1.1 What impact, positive or negative, does the subject of this report have on:

8.1.2 The commercialisation agenda: A change in approach could accelerate the re-use of Council owned assets.

8.1.3 Improving customer focus: Neutral

8.1.4 Regeneration or economic development: This decision would allow some sites to be accelerated for regeneration. The flood defence programme would make a significant contribution to the regeneration of the town.

## 9 CONSTITUTIONAL CONTEXT

9.1 Article of Part 3, Annexe 1, paragraph 1 (h)

9.2 Delegated power

## 10 STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11 BACKGROUND PAPERS

The following background papers were used in the preparation of this report:  
The Barnstaple Flood Defence Improvements Study  
Phase 2 Advanced Design Studies for Mill Road/Pilton park

## 12 STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Ken Miles – Chief executive

Jon Triggs – Director of resources and Deputy Chief Executive

Simon Fuller – Senior Solicitor

Maria Bailey – Planning Manager

Alex Miles – Emergency Planning Officer

Matthew Brown – Lead Planning officer

Cllr David Worden – Council leader

Cllr Malcolm Prowse – Deputy leader and lead member for Economic development and Strategic planning policy



Cllr Robbie Mack – Ward member