

Mr Geoff Webber
Bath & North East Somerset Council
Planning Services
Trimbridge House, Trim Street
Bath
Avon
BA1 2DP

Our ref: WX/2006/010897/03-L01
Your ref: 06/01733
Date: 02 November 2007

Dear Mr Webber

NEW RESIDENTIAL QUARTER INCLUDING UP TO 2281 RESIDENTIAL HOMES AND APARTMENTS (CLASS C3); UP TO 675 STUDENT BEDROOMS AND ASSOCIATED COMMUNAL AREAS (CLASS C3) (OR ALTERNATIVELY UP TO 345 STUDENT BEDROOMS (CLASS C3) AND A PRIMARY SCHOOL (CLASS D1)); LOCAL SHOPS, RESTAURANTS, AND OTHER COMMUNITY SERVICES AND FACILITIES (WITHIN CLASSES A1, A2, A3, A4, A5, D1); CONSTRUCTION OF NEW BRIDGES, ROADS, FOOTWAYS AND CYCLEWAYS; ASSOCIATED INFRASTRUCTURE AND FACILITIES; ACCOMMODATION WORKS; AND LANDSCAPING AT WESTERN RIVERSIDE DEVELOPMENT AREA, MIDLAND ROAD, TWERTON, BATH

Thank you for your consultation regarding the above.

The Agency must maintain its flood risk related objection to this proposal, as stated in its letter dated 16 January 2007 (detailed hereunder).

The applicant has suggested that the proposed reed bed could provide further floodplain compensation storage, if necessary. This would appear inappropriate as the reed beds primary function is for the cleansing and storing of surface water runoff, and thus it provides a 'sink' for pollutants. If floodwaters are allowed to enter, these pollutants may be 'flushed' out, and the integrity of the reed beds could be affected. Accordingly, the two systems should remain separate.

The Flood Risk Assessment (FRA) states that surface water will be attenuated within permeable paving and sub-surface storage areas located outside of the floodplain area. However, a balancing pond shown on Drawing C016 appears to be located in an area designated for floodplain storage compensation, which would seem inappropriate for the reasons stated above.

The applicant should provide assurances that any proposed areas of woodland/planting in the flood compensation areas will not significantly reduce the storage capacity of those areas. Any tree planting at the perimeters of riverside parks must also ensure the provision of minimum clearance for maintenance purposes. The Habitat Creation Plan shows native trees planted close to the river, particularly between Windsor Road Bridge and Destructor Bridge. As submitted, it would appear unlikely to afford the required clearance for maintenance access.

The applicant must also ensure that the buildings shown in proximity to the River Avon permit the minimum clearance requirement to allow machine access for bankside maintenance. The Agency would welcome confirmation that the terrace/steps to the building on the north bank immediately west of Destructor Bridge, will accommodate this. This is not immediately clear from the submitted plans.

The previously requested detailed drawings and cross sections of the proposed works to the river wall sheet piling, have not been provided. The Agency needs to determine whether such a proposal would be acceptable in principle. For information, the Agency's previously stated requirements in respect of the proposed landing stage still apply.

The applicant should confirm the threshold levels for the basement car parking, as the FRA does not provide sufficient detail in this respect.

The Agency would reiterate that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the bank top of the River Avon, designated a 'main river'.

NOTE:

The Agency would advise that the Twerton Watercourse is now a designated Wessex Water sewer and therefore their easement requirements will apply.

In the event of its objection to this proposal being overcome, and without prejudice to its objection, the Agency would comment as follows:

With regard to contaminated land/groundwater protection issues, the Agency has recently received a number of reports that relate specifically to the Stothert & Pitt area of the site. Unfortunately, there is still insufficient information with regard to contamination in the outline application area as a whole. Of particular concern is the gasworks, which is likely to be the most problematic part of the application site in terms of the nature and quantities of contaminants present.

The Agency previously requested the application of contaminated land/ groundwater protection related conditions in relation to this outline planning application. The Agency now formally advises that these conditions must be replaced by the following conditions:

CONDITION:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON:

To ensure that the proposed development complies with approved details and does not cause pollution of Controlled Waters.

CONDITION:

No infiltration of surface water drainage into the ground shall be permitted, other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON:

To ensure that the proposed development complies with approved details and does not cause pollution of Controlled Waters.

CONDITION:

Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON:

To ensure that the proposed development complies with approved details and does not cause pollution of Controlled Waters.

It must be noted that the application site lies within the Bristol Avon Catchment Abstraction Management Strategy (CAMS) area. The CAMS will enable the Agency to manage water resources in a more sustainable manner, within the catchment.

Through the CAMS, the Bristol Avon in Bath has been assessed as 'no water available' and therefore any new Abstraction Licences issued will be subject to restrictions to limit or stop abstraction at low flows. Accordingly, the Agency actively encourages the efficient use of all water within the catchment, to minimise the need for further abstraction.

In view of the above, and related sustainability issues, the Agency must strongly recommend that the proposed development satisfies the requirements for Level 5 of the Code of Sustainable Homes, in accordance with the draft Regional Spatial Strategy.

Should the proposal provide for any abstraction of water from a watercourse or groundwater source, the applicant is strongly advised to contact the Agency's Regulatory and Technical Water Resources section, at the earliest opportunity, in order to determine regulatory requirements.

It is the responsibility of the applicant to ensure that the development will not affect any existing legal water interests in the area.

In the interests of pollution prevention, the Agency must request that any subsequent approval be subject to the following conditions:

CONDITION:

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON:

To prevent pollution of the water environment.

CONDITION:

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON:

To prevent pollution of the water environment.

CONDITION:

Nothing other than uncontaminated excavated natural materials shall be tipped on the site.

REASON:

To prevent pollution of the water environment.

CONDITION:

All area where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank.

REASON:

To prevent pollution of the water environment.

From an Environment Management perspective, the Agency would reiterate that it welcomes the proposed pollution prevention measures detailed, and concurs that any approval should be subject to a formal condition requiring the adoption and implementation of a Construction Environmental Management Plan.

The Agency would also confirm that all works must be undertaken in accordance with Agency Pollution Prevention Guideline Number 5 (Works in Near or Liable to Affect Watercourses) and Pollution Prevention Guideline Number 6 (Working at Demolition and Construction Sites) copies of which are available on the Agency's website.

The applicant is advised that demolition operations can give rise to Hazardous Wastes, which are subject to additional control prior to disposal. The Agency should be contacted at the earliest opportunity in order to establish the regulations concerning Hazardous waste.

In addition, the applicant must ensure that all contaminated materials are adequately characterised both chemically and physically, and the licensable status of any proposed off site operation is understood. The Agency would be pleased to advise further regarding this matter.

Carriers transporting waste from the site must be formally registered waste carriers.

With regard to ecological issues, it is noted that 'a strategy will be prepared' in respect of the on-site Japanese knotweed. Accordingly, the Agency must request that any subsequent approval be subject to the following condition:

CONDITION:

A strategy for the treatment of Japanese knotweed should be prepared and submitted in writing to the Planning authority for approval prior to development commencing.

REASON:

Japanese knotweed is an invasive non-native plant which, if left untreated, can spread and undermine foundations.

It is noted from the habitat creation plan (4.11) that various habitats will be created including reedbed, wet woodland and wet meadow. There are great opportunities for a mosaic of habitats to be created which are of benefit to otters and other animals using the riparian corridor. The Agency would specify that native species of local provenance are used wherever possible, particularly adjacent to the river.

The Agency would be pleased to receive further information regarding habitat creation.

It is noted that resting up ledges will be provided for otters and would suggest that there may be an opportunity to install an artificial holt at an appropriate location which receives minimal disturbance. Some of the survey information provided is a little dated, for example the 2003 Water Vole survey, and may therefore need updating.

A copy of this letter has been forwarded to the applicant's agent for information.

The Agency would be pleased to receive a copy of any decision notice issued in respect of this proposal.

Please quote the Agency's reference on any future correspondence regarding this matter.

Yours sincerely

DAVE PRING

Planning Liaison Technical Specialist

Direct dial 01278 484627

Direct fax 01278 452985

Direct e-mail dave.pring@environment-agency.gov.uk