

100 Hillside View
Peasedown St. John
Bath
BA2 8EU

18th November 2022

Dear Councillor Wood,

Planning Application Reference: 22/03938/FUL

I am writing to you in your capacity as Cabinet Member for Neighbourhood Services and specifically your Local Lead Flood Authority (LLFA) responsibilities, regarding the above planning application.

This application relates to a greenfield site in Peasedown St John with steeply sloping topography. The applicant proposes to direct surface water run-off from the developed site to underground storage for subsequent discharge via a swale to an open ditch on the eastern boundary of the site. Almost immediately upon discharge the run-off will enter a culvert. As residents we know the culvert to be in a poor state of repair, to the degree that waterflow is impeded. The applicant's own flood risk assessment confirms this, identifying damage to the culvert about 90m from the point of discharge (along with the need to replace a section under the highway at the bottom of Keel's Hill).

The applicant assumes this damage will be rectified by the riparian owner. However, as I understand matters the applicant cannot compel the riparian owner to repair the culvert, they, therefore, appear to be relying on the fact that the Council, presumably in its capacity as LLFA, can and would compel the riparian owner to make the necessary repairs. Can you please confirm if the LLFA has (i) the authority to require work to be done and (ii) if it would take the necessary enforcement action (bearing in mind it has seen no need to act to date on restoring unrestricted flow in the culvert).

Presumably, any enforcement action would require that the riparian owner is identified. The applicant has, obviously, failed to identify the riparian owner, who is also unknown to local residents. The culvert does not appear on the asset map of Wessex Water so is not in their ownership. So, unless the Council is aware of the identity of the riparian owner, the applicant's flood risk assessment would appear to be deficient regarding the risk of downstream flooding, given the surface water discharge proposals utilise infrastructure known to be damaged, with no immediate prospect of repair. Can you please confirm if the Council knows who is the riparian owner of the culvert?

I understand the LLFA is a statutory consultee for any development of more than 10 dwellings, providing technical advice to the local planning authority. With this in mind and given the applicant is relying on assumptions rather than actions to manage the downstream flood risk perhaps I could prevail upon you to discuss the matter further with planning officers.

Yours sincerely,

Tom Clifford