

Decision Report - Executive Decision

Forward Plan Reference: FP/24/06/10

Meeting Date – 5 August 2024

Key Decision – yes

Confidential Information – no



Bridgwater Tidal Barrier Partnership Agreement with Environment Agency

Executive Member(s): Lead Member for Environment and Climate Change

Local Member(s) and Division: Cllr Bolt, Cllr Caswell (Cannington), Cllr Dingwell, Cllr Rodrigues (Bridgwater East & Bawdrip)

Lead Officer: Kirsty Larkins - Service Director – Climate and Sustainability

Author: Nick Tait - Service Manager – Placemaking and Projects

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Summary / Background

1. The Bridgwater Tidal Barrier (BTB) and associated improvements to downstream banks will provide critical long term flood protection to Bridgwater and the surrounding area. Once completed the barrier, will provide flood protection to all new homes built since 2012 as well as over 11,300 homes built prior to that date. Additionally, it will protect about 1,500 local businesses as well as critical infrastructure such as schools, the hospital and strategic transport links.
2. The BTB has been progressed as a joint infrastructure project between the Environment Agency (EA) and the former Sedgemoor District Council. It is critical to enabling on-going growth and regeneration in the Bridgwater area. A previous collaboration agreement provided both support and partnership funding towards the project, secured from development and the previous Local Enterprise Partnership and enabled the project to progress and secure necessary consent through a Transport Works Act Order.
3. A new partnership agreement is now required to formalise both continued support and partnership funding to cover the final project assurance and construction phases. Whilst the majority of the project costs will be secured by the EA, partnership funding, including funding secured by the former District Council and now Somerset Council, is critical to securing the final approval from HM Treasury. A new Partnership Agreement is seen as critical for this final approval that once confirmed, will enable construction to commence later this year.
4. The Executive are therefore asked to approve the Council entering into a new Partnership Agreement to cover the period of construction. This agreement will set out the detailed scope and limitations of this support and confirm partnership funding of up to £13.7m secured from various sources but primarily through S.106 Agreements and Community Infrastructure Levy secured through the planning system to mitigate against the impact of development (see Appendix 2).

5. The Partnership Agreement has been agreed by both EA and Somerset Council Legal Officers and now signed by EA.

Recommendations

6. The Executive are recommended to agree entering into the proposed Partnership Agreement with the Environment Agency including a commitment to provide up to £13.7m partnership funding, to support the delivery of the Bridgwater Tidal Barrier and associated improvements to downstream banks.
- 7.

Reasons for recommendations

8. progressing the BTB is critical to provide necessary long term flood protection for Bridgwater and the surrounding areas. This will support continued inward investment in the area, regeneration of the town, and delivery of new housing. It also provides protection to strategic infrastructure such as the M5, mainline railway, schools and the hospital.
9. As part of the final project approvals, it is necessary to confirm the partnership arrangements with Somerset Council as the previous collaboration agreement that has been critical in progressing the project to this stage is now out of date.
10. Final Treasury approval is anticipated late Summer/early Autumn and confirmation of the new Partnership Agreement and partnership funding is required to support this process. Without confirmation of continued partnership support and funding there is a possibility that approval of the full business case will either be delayed or refused, with resultant significant impacts on the local area and the loss of major Government investment into local flood defences.
11. If final approval is given, construction will commence later this year with an operational barrier providing protection from flood risk delivered in early/mid 2027.

Other options considered

12. Entering into a new partnership agreement confirming the continued support for this critical infrastructure project is necessary to secure the funding from DEFRA and Government. If an agreement is not in place, delivery would be put at serious risk with consequential increase in the probability of a major flood event at Bridgwater. There is no alternative option to either strategic flood defences or the delivery and funding mechanism and therefore no other option other than re-confirming support and partnership funding have been considered.

Links to Council Plan and Medium-Term Financial Plan

13. Entering into the new partnership agreement will directly support the delivery of the BTB. This project directly supports the following Council priorities.
 - A greener, more sustainable Somerset – project directly addresses flood risk and the impacts of rising sea levels.
 - A healthy and caring Somerset – the project directly provides new active travel route including a new bridge across the river Parrett.
 - A flourishing and resilient Somerset – The project provides long term flood protection for existing and future businesses and critical infrastructure. This directly makes Bridgwater and the surrounding area more attractive to new investment
14. The BTB also directly supports existing and future regeneration schemes at Bridgwater and enables on-going provision of new housing, both market and affordable to be delivered.

Financial and Risk Implications

15. A key element of the partnership agreement is the on-going commitment to provide £13.7m of partnership funding towards the total capital cost of the BTB, currently estimated to be £230m. It should be noted that the partnership contribution represented approximately 20% of the total project costs in 2014 but due to additional funding it now represents less than 6% of the revised costs. The funding to date has been critical in enabling the project to progress and secure the necessary consents in advance of confirmation of flood grant from DEFRA.
16. The funding commitment previously formed part of the collaboration agreement between the EA and Sedgemoor District Council. It was originally based on contributions from new development as they are required to demonstrate protection from flood risk for the lifetime of development. Contributions were initially secured through a flood defence tariff applied to new development in the Bridgwater area. With the introduction of CIL in 2015 the tariff was superseded and to continue to provide the necessary certainty, 20% of CIL receipts were ring fenced for the BTB. This was initially confirmed through the Regulation 123 list that set out CIL spend priorities, and more recently through the Infrastructure Delivery Statement. This remains the position as without this commitment, new development would not be acceptable in flood risk terms.
17. The acceleration of the project delivery following the 2013/14 flood events and revised projections for sea level rise mean that insufficient development contributions will have been collected by the end of the construction period, currently estimated to be 2028/29, to fully meet the full partnership contribution. To mitigate this and to further reduce the call on CIL receipts, officers have secured additional funding from other sources. Appendix 2 sets out the funding sources that will make up the £13.7m partnership funding contribution and

includes contributions from the Bridgwater Town Fund, the successful levelling up funding bid, and the Gravity Investment Plan.

18. The table also provides a forecast for CIL receipts, but it should be noted that whilst these are based on both the Council’s residential monitoring and known consents, the actual level of completions and therefore receipt of CIL is still dependent upon the wider housing market. Additionally, a proportion of the secured s.106 funds relate to land with planning permission for housing, but which is currently occupied by temporary accommodation for EDF workers. The delay in that project will mean that these receipts will not be collected for a number of years, almost certainly after the completion of the main construction works. This is therefore one indirect impact of the project delay and the workforce uplift that now requires the temporary accommodation to remain longer than anticipated.

19. The additional sums secured from other sources mitigate the risk of a shortfall in collected developer contributions. Officers will also agree with the EA a contribution payment schedule that most closely matches the availability of the partnership funding. For example, time limited contributions will be transferred earlier and indeed the Bridgwater town Fund contribution has already been so. Developer contributions can be transferred in the later stages of the project and potentially beyond 2029 as elements of the downstream bank improvements will take place after the completion of the main barrier itself.

20. The Councils position is safeguarded in the Partnership Agreement through clauses that define the Council partnership funding contributions. This defines the Council funding as committed funds that are available at the time of the signing of the agreement, forecast funding when received in cleared funds by the Council, and external funding.

21. Key risk(s) to the Council:

Please enter risk description: Not entering into the partnership agreement may result in the FBC not being approved by Treasury and the scheme being delayed with consequential increase in the risk of a flood event impacting on Bridgwater.					
Likelihood	3	Impact	5	Risk Score	15
Please enter mitigation here: Executive approve the partnership agreement.					
This reduces risk to: Likelihood – 2, Impact – 4, Risk Score - 8					

Please enter risk description:

Insufficient funding contributions secured through CIL either because they are not ringfenced for flood defence or development comes forward more slowly than forecast.					
Likelihood	3	Impact	3	Risk Score	9
Please enter mitigation here: Other sources of funding have been identified and further opportunities will be sought. Current funding estimates give a degree of flexibility. Confirm continued ring fencing of CIL for strategic flood defences. Phase payments to match availability of funding.					
This reduces risk to: Likelihood – 2, Impact – 2, Risk Score - 4					

Legal Implications

- a. The proposed Partnership Agreement has been drafted jointly by EA and Somerset Council lawyers. It reflects the previous support and commitment to the project. The agreement includes all necessary safeguards for the Council in terms of the support offered, both financial and in kind.
- b. Transfer of funds will be based on a jointly agreed funding profile that reflects the availability of cleared funds and any specific time constraints. Individual funding agreements will be drafted to reflect the spend profile and it should be noted that the £2m allocated through the Bridgwater Town Deal has already been transferred to the EA through such an agreement.

HR Implications

- c. There are no direct implications from the report. Officers within the Placemaking and Projects Team will continue to provide planning and other support to the project.

Equalities Implications

22. An Equalities Impact Assessment (EIA) is appended to this report.
23. There are no direct Equalities Implications from the report although failure to confirm support for the project will result in significant risk to delivery and an increased risk of a major flood event. Whilst flooding does not differentiate across different protected groups it should be noted that the east area of Bridgwater that includes wards that are within the 10% most deprived nationally, are at significant risk from flooding.
24. The BTB project itself is included in the Adopted Sedgemoor Local Plan (Policy B15) that was supported by an Equalities Impact Assessment. This EIA was

subject to independent examination and concluded positive impacts for all protected groups but additional benefits under age and disability noting that these groups might potentially be less able to evacuate quickly in the event of a flood event

Community Safety Implications

25. There are no direct community safety implications but the delivery of the barrier itself will provide long term protection from flood risk for over 11,500 residential properties. It will also contribute to the wider flood defence and mitigation strategy for the wider Somerset Levels and Moors.
26. It should also be noted that the BTB will also protect key infrastructure including the hospital and police station, thus providing further resilience to the emergency services.

Climate Change and Sustainability Implications

27. The BTB is a major climate change adaptation project designed to provide long term protection to residents, businesses, and infrastructure from the impacts of rising sea levels. As such it is a critical resilience project and recent flood events and “near misses” clearly demonstrate the need to deliver this project as soon as possible.
28. The scheme itself has been designed where possible to reduce its carbon impact. The control buildings are located on a brownfield site and detailed design has sought to reduce the use of concrete where possible. The improvements to downstream banks will use locally sourced material and the after use of these “borrow” pits will enhance biodiversity by creating new habitats. Wider environmental projects are also being delivered through the Bridgwater Blue Heritage project and include creation of new wetlands that both enhance biodiversity and capture carbon.
29. Funding secured from DfT includes a commitment to deliver 4 sustainable drainage schemes at local schools that will also include further educational programmes. The barrier itself also includes a permissive active travel route with a new bridge across the river Parrett that connects existing residential areas to employment.

Health and Safety Implications

30. There are no direct health and safety implications related to the proposed new partnership agreement. The actual delivery of the project will be governed by detailed health and safety compliance processes, these are already in place to manage the current early works. It will however be the EA who are responsible for H & S impacts resulting from the delivery of this project.

31. There are clearly health and safety benefits from providing protection from flood risk to residents and businesses. Additionally, the provision of new active travel routes will provide direct off-road access to employment opportunities, improving safety for walkers and cyclists.

Health and Wellbeing Implications

- a. The partnership agreement does not have any direct Health and Wellbeing implications. However, the project itself will provide long term protection from flood risk that does have positive impacts for health and wellbeing. In addition to the primary purpose of the scheme, the BTB also promotes walking and cycling through the provision of a new active travel route. The associated Bridgwater Blue Heritage project that is being delivered with Wildfowl and Wetlands Trust (WWT) strongly promotes the health and wellbeing associated with access to urban wetlands and other green spaces. Projects include restoration of the Meads, designs for a new riverside park at Express Park, health walks, and citizen science schemes. As referred to above, work with local schools has included demonstration sustainable drainage schemes that also act as an ongoing education resource encouraging greater understanding of the importance of natural solutions.

Social Value

32. There are no direct opportunities to secure social value through the partnership agreement itself but there will be opportunities through the actual construction of the barrier itself. The procurement of contractors to deliver the scheme will provide suitable opportunities in line with the EA's procurement processes. The preferred contractor currently delivering early works is committed to contributing to appropriate projects and also seeks to maximise the use of local labour and suppliers.

Scrutiny comments / recommendations:

33. This proposed decision has not been considered by any Scrutiny Committee. The EA have requested that the new Partnership Agreement is completed as a matter of urgency to enable a final decision on the BTP project to be made in August/September by HM Treasury. Given the recent change in Government it has become even more urgent to ensure that all necessary information and agreements are with HMT to enable this final investment decision into critical infrastructure to be made. The need for a decision therefore in August to meet this timeline has meant that it has not been possible to timetable Scrutiny.

Background

34. The need for strategic flood defences at Bridgwater has been identified for many years and since 2009 financial contributions have been sought from new development to assist with funding. This was required as under planning guidance all new development is required to demonstrate it is safe from flooding for its lifetime, for residential development this is 100 years. Following the extensive flooding across the levels and moors in 2014 the tidal barrier was included within the 10-year Flood Action Plan and work on developing and finalising the location and design subsequently took place. The project is led by the Environment Agency with Somerset Council (formally Sedgemoor District Council) as a formal partner. This report seeks to update the formal partnership agreement to reflect the current status of the project
35. Once completed the barrier and associated improvements to downstream banks, will provide flood protection to all new homes built since 2012 (and from which financial contributions via S.106 or Community Infrastructure have been secured) as well as over 11,300 homes built prior to that date. Additionally, it will protect about 1,500 local businesses as well as critical infrastructure such as schools, the hospital and strategic transport links.
36. There has been considerable work undertaken to develop the design and location of the barrier and this has also included extensive consultation with stakeholders and the public. The location is adjacent to Express Park to the north of Bridgwater. The design will comprise of two vertical lifting gates, this is a simple design proven to work in rivers that have a high tidal range and high volumes of silt.
37. An application for a Transport Works Act Order (TWAO) was submitted in December 2019 and finally approved in March 2022. This provides the necessary powers including deemed planning consent to construct the barrier.
38. Conditions have been discharged to enable the construction access track and other enabling works to take place in advance of final approval of the Full Business Case. Whilst this work is proceeding at risk, it also demonstrates that the full project can commence as soon as final approvals are confirmed from HM Treasury
39. Most of the project funding will be from the EA's allocation of flood defence grant in aid (FDGiA) and other flood defence funding. Additionally, and as required through the EA's flood defence partnership funding mechanism, significant contributions have also been secured or is anticipated from other sources including other Government Departments, the local levy, and partnership funding from Somerset Council (formally Sedgemoor District Council). Prior to becoming part of the new Somerset Council, Sedgemoor District Council as a key partner agreed to providing partnership funding, primarily through securing developer contributions. The current business case requires £13.7m of partnership funding from the Council and Appendix 2 sets out how this partnership funding is provided.

40. Currently the secured and projected funding exceeds the partnership contribution. There are some uncertainties given that projected CIL contributions might be impacted by any slowdown in house building for example. However, evidence to date shows that house building remains extremely strong in the Somerset North area, this may partially reflect the influence of Hinkley as well as the difficulties in building elsewhere in Somerset. Additionally, there are opportunities to profile spend of partnership funding later in the construction period as drawing down on this later in the programme means that CIL contributions will have been collected rather than secured. There is a high degree of confidence that the required partnership funding from Somerset Council will be available, particularly given the success in securing contributions from additional sources such as the Bridgwater Town Fund and Gravity Investment Plan.

Background Papers

35. None.

Appendices

- Appendix 1 Proposed Partnership Agreement
- Appendix 2 Council Partnership funding




Assurance checklist (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	23/07/2024
Communications	Peter Elliott	N/A
Finance & Procurement	Nicola Hix	25/07/2024
Workforce	Alyn Jones	N/A
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Micky Green / Kirsty Larkins	15/07/2024
Strategy & Performance	Alyn Jones	N/A
Executive Lead Member: Lead Member for the Environment and Climate Change	Cllr Dixie Darch	16/07/2024
Consulted:	Councillor Name	
Local Division Members: Cannington, Bridgwater East and Bawdrip	Cllr Andy Dingwall, Cllr Brian Bolt, Cllr Mike Caswell, Cllr Diogo Rodrigues	17/07/2024

Opposition Spokesperson	Cllr Suria Aujla	17/07/2024
Scrutiny Chair: Climate and Place	Cllr Martin Dimery	11/07/2024

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)					
Version	1	Date Completed	16 July 2024		
Description of what is being impact assessed					
Partnership agreement and delivery of strategic flood defences for Bridgwater					
Evidence					
What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics , Somerset Intelligence Partnership , Somerset's Joint Strategic Needs Analysis (JSNA) , Staff and/ or area profiles ,, should be detailed here					
Local Plan Equalities Impact Assessment					
Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?					
No additional consultation although EIA for the local plan was compiled with input from protected groups, and independently examined.					

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Policy B16 relates to the delivery of a strategic flood defence solution for Bridgwater. Whilst flood defences will likely benefit everyone who lives, works or runs a business in the town, they are likely to be of particular value to less mobile individuals who may struggle to get themselves to safety in the event of serious flooding. These are more likely to be young children, the elderly and disabled persons 	□	□	☒
Disability	<ul style="list-style-type: none"> Policy B16 relates to the delivery of a strategic flood defence solution for Bridgwater. Whilst flood defences will likely benefit everyone who lives, works or runs a business in the town, they are likely to be of particular value to less mobile individuals who may struggle to get themselves to safety in the event of 	□	□	☒

	serious flooding. These are more likely to be young children, the elderly and disabled persons			
Gender reassignment	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	☐	☐	☒
Marriage and civil partnership	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	☐	☐	☒
Pregnancy and maternity	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	☐	☐	☒
Race and ethnicity	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	☐	☐	☒
Religion or belief	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	☐	☐	☒

Sex	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Flood defences are generally beneficial to this protected characteristic 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
N/A	Select date	N/A	N/A	<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

N/A

Completed by:

Nick Tait Service Manager – Placemaking and Projects

Date

17 July 2024

Signed off by:

Date

Equality Lead sign off name:

Angela Farmer

Equality Lead sign off date:

23 July 2024

To be reviewed by:
(officer name)

Nick Tait Service Manager – Placemaking and Projects

Review date:

July 2025