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# Response to Council Motion on the Bond Riverside Culvert

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	25 July 2024
<b>Portfolio Member:</b>	Councillor Stuart Gourley
<b>Date Portfolio Member agreed report:</b>	15 July 2024
<b>Report Author:</b>	Jon Winstanley
<b>Forward Plan Ref:</b>	EX4575

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## 1 Purpose of the Report

- 1.1 The purpose of this report is to provide the Executive with further information to allow consideration of a motion presented to Council at its meeting of 26<sup>th</sup> March in respect of the Bond Riverside culvert.

## 2 Recommendation

- 2.1 That the motion is not taken forward but that some of the principals and aims of the motion be incorporated into the Drainage and Flood Risk capital programme and managed through the Council's existing governance structure.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	None as a result of this report.
<b>Human Resource:</b>	None as a result of this report.
<b>Legal:</b>	None as a result of this report.
<b>Risk Management:</b>	None as a result of this report.
<b>Property:</b>	None as a result of this report.

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<b>Policy:</b>	None as a result of this report.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>		x		
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?				
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				
<b>Environmental Impact:</b>		x		N/A
<b>Health Impact:</b>		x		N/A
<b>ICT Impact:</b>		x		N/A
<b>Digital Services Impact:</b>		x		N/A
<b>Council Strategy Priorities:</b>		x		N/A
<b>Core Business:</b>		x		N/A
<b>Data Impact:</b>		x		N/A

**Consultation and Engagement:**

This motion was discussed at Environment Advisory Group on 21st May 2024. Minutes of the EAG meeting can be seen in Appendix A.

## 4 Executive Summary

- 4.1 At the meeting of full Council on 26<sup>th</sup> March 2024, a motion was presented by Cllr Adrian Abbs concerning the impact on local flooding of a Culvert adjacent to the Tescos site on the A4 Newbury, and the consequential ability to develop the Bond Riverside site.
- 4.2 The Motion was referred to the Environment Advisory Group for discussion and consideration and this report, in turn, refers this matter to the Executive for decision.
- 4.3 It is not recommended that the motion is implemented in its original form, however, that proposals within the motion are progressed as part of the Drainage and Flood Risk capital programme and the redevelopment of Bond Riverside industrial estate.

## 5 Supporting Information

### Introduction

- 5.1 At a meeting of the full Council on 26<sup>th</sup> March 2024, a Motion was proposed by Councillor Adrian Abbs. The content of the Motion is reproduced in its entirety as follows:

#### *Bond Riverside – Culvert*

*Overview: - This motion is design to help address key issue which has been blocking any form of development of what used to be called LRIE but was renamed to Bond Riverside.*

*By acknowledging some of the fundamentals associated with how plans for any future development at Bond riverside are constrained by sustainable drainage issues.*

#### *Council Notes*

- *That the findings from the LRIE scrutiny commission found contract control had been inadequate
  - *The Culvert at Tesco was designed for its time*
  - *Is not something that West Berkshire council (WBC) have direct control over**
- *That the environment agency (EA) is the responsible body for water passing through and downstream of the culvert.*
- *That it is now exceptionally difficult to get agreement from the EA to allow increases in volumes of water to be passed downstream for manmade drainage reasons.*
- *That sustainable drainage legislation is increasingly required to be dealt with on site.*
- *That dredging the culvert has no effect due to the water table.*
- *That BNG (Biodiversity Net Gain) is becoming much more important.*
- *That there has been a cumulative effective up stream since the Culvert was created from development both past and present.*

## *THE MOTION*

*This Council therefore commits to:*

- Enter Dialog with third parties, residents whose land is next to the Culvert.*
- To work towards a solution that takes into account historical and potential future development of Bond River and associated areas whose run off goes into the Culvert.*
- That the council will create a critical path committee made up of key stakeholders whose focus is drainage issues associated with the Culvert.*
- That the team will report back to the Council on findings associated with ideas and plans coming from the administration*

## **Background**

- 5.2 It should be noted that the Tesco's Culvert is not blocking the development of Bond Riverside. The Council is aware this is an existing constraint which can cause water to back up during flash flooding and are committed to finding a solution.
- 5.3 Any development on Bond Riverside would be assessed in accordance with national and local Sustainable Drainage (SuDS) policy. This requires that solutions secured through new development should not make a problem worse rather than focus on fixing an existing problem although generally in practice, SUDS solutions will often lead to some betterment especially compared existing development on a site. The development of Bond Riverside implemented in line with SuDS policies would have a significant beneficial impact downstream at the Tesco's Culvert as it would inevitably reduce run-off from the industrial estate which is currently mainly hardstanding.
- 5.4 It is Council (and national) policy that every development should include sustainable drainage. Developments are not 'constrained' by SuDS, as referred to in the motion, but they are a fundamental part of the design to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. Therefore, at Bond Riverside, any development must be taken forward with Sustainable Drainage as a fundamental principle.
- 5.5 Whilst West Berkshire Council were not the flood risk authority for ordinary watercourses such as the Northcroft Ditch in the 1980's when the Tesco Culvert was introduced, the Flood and Water Management Act does now mean that the flood risk from the ditch falls to West Berkshire as the Lead Local Flood Authority, and not the Environment Agency as stated in the motion.
- 5.6 The Environment Agency do, however, administer government funding for flood alleviation on behalf of Defra and the Regional Flood and Coastal Committee that can be used for flood alleviation. Council Officers have had initial positive discussion with the Environment Agency regarding a bid for flood alleviation funding in the London Road area and will be pursuing this.

## **Discussion at Environment Advisory Group**

- 5.7 The motion was presented at Environment Advisory Group on 21<sup>st</sup> May 2024. Minutes of the meeting can be seen in Appendix A. There was broad support for the

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aims of the motion particularly in relation to reducing flood risk and progressing the development of the Bond Riverside site in a sustainable way. However, it is Officer's view that these aims can be accommodated within the existing governance structure and works programmes. A separate committee for delivery is therefore not needed.

### Proposals

5.8 The following table gives an officer comment to each of the proposals identified by the motion:

No.	Motion Proposals	Officer Comment
1.	Enter Dialog with third parties, residents whose land is next to the Culvert	This has already happened. Officers and Executive Members have had many meetings with residents of London Road on this issue. Engagement is also be undertaken through the Newbury Flood and Drainage forum, specifically set up to champion measures to reduce flood risk across Newbury. Residents of London Road are attendees at the forum, which is also attended by Council Officers and Members.
2.	To work towards a solution that takes into account historical and potential future development of Bond River and associated areas whose run off goes into the Culvert.	Council Officers are investigating a solution to this existing issue considering the whole catchment for the Northbrook Ditch (including the Bond Riverside site) and the flow through the Culvert. Discussion has already taken place with the Environment Agency and a project brief will be developed to bid for funding to study an appropriate solution. This must be progressed considering the other emerging flood risk issues following the flooding this winter and until all the flood risk sites have been investigated and assessed, a timescale for this work cannot be given.
3.	That the council will create a critical path committee made up of key stakeholders whose focus is drainage issues associated with the Culvert.	It is considered that to create a committee for this one project would be disproportionate. The Council is managing numerous flood risk issues throughout the District and would not have the resources to create a committee for each individual issue. Taking this important project forward can be managed through the existing governance structure (the Council's Corporate Programme Board).
4.	That the team will report back to the Council on findings associated with ideas and plans coming from the administration	Relevant stakeholders will be updated on progress through existing and appropriate channels.

## 6 Conclusion

- 6.1 As can be seen from the above the Council is already actioning two of the four requirements of the motion, which can be managed through the Newbury Flood and Drainage Forum and the Council's existing governance mechanisms and therefore avoids the need for the remaining two elements of the motion.
- 6.2 It should also be noted that there is no legal impediment to development on Bond Riverside specifically caused due to the existing flood risk issues downstream. Any development on Bond Riverside would be assessed in accordance with national and local Sustainable Drainage (SuDS) policy and cannot be judged in light of an existing problem, if it is not making that problem worse. Indeed, it is officers view that the redevelopment on Bond Riverside incorporating modern Sustainable Drainage measures would improve the flood risk downstream of the site.
- 6.3 It is therefore recommended that the motion not be taken forward, but that points 1 and 2 be progressed in accordance with the Council's existing governance.

## 7 Appendices

- 7.1 Appendix A – Draft minutes from 21<sup>st</sup> May 2024 Environment Advisory Group Open Forum.

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### Subject to Call-In:

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** Newbury Clay Hill

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### Document Control

<b>Document Ref:</b>		<b>Date Created:</b>	
<b>Version:</b>		<b>Date Modified:</b>	
<b>Author:</b>			
<b>Owning Service</b>			

### Change History

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Change ID</b>
1			
2			