

David

I refer to your email below.

I attach for your Attention my letter and Statement on behalf of the LPA in connection with this case, in accordance with your request. I also attach a case Chronology prepared by the Applicant's Agents and emailed to me so that I can forward it to you. I refer to this in my attached letter.

You did indicate on the phone that an emailed submission would be adequate. Please advise whether you need hard copies of these documents.

Geoff Webber
Senior Professional - Major Developments
Tel: 01225 477654

Dear Geoff

Please see attached which I hope you will find useful and forward to GOSW for their information

I have copies of all e-mails, letters, reports and notes of meetings referred to in the table

Regards as ever

Bruce Austen
Director. PSE Consulting for The Dyson School of Design Innovation

Tel 0117 909 6273

Mob 0780 956 5496

E-mail

bruce.austen@pseconsultingltd.com<<mailto:bruce.austen@pseconsultingltd.com>>

Web www.pseconsultingltd.com<<http://www.pseconsultingltd.com/>>

PSE CONSULTING LIMITED
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Date	Title	Author	Summary of Content
Oct/Nov 2005	Extract from Site Analysis Report – Flood Commentary	AWW	Environment Agency contact: John Philip. Indication that normal requirements will be relaxed on the basis that a flood wall will be provided. Discusses floor levels, flood resilience, emergency access and need for a FRA.
4 May 2006	Scoping Opinion Letter	Dave Pring, Environment Agency	FRA requested. No further comment
June 2006	Extract from Bath South Quays Masterplan – Flood Risk Scoping Report	Buro Happold input to Cullinan South Quays Masterplan	Notes Environment Agency requirements including floor levels, no requirement for flood plain compensation, land drainage consent and finished bridge levels
10 July 2006	Minutes of Arup Meeting with EA (Sarah Fotheringham and Helen Simpson)	Jason Drummond, Arup	Environment Agency state objection including absence of sequential test, vulnerability of use, emergency access. Discussion of the need to contribute to protection of entire flood cell.
6 September 2006	Consultation Letter re. Arup Outline Application	Dave Pring, Environment Agency	Fundamental objection to vulnerable development in Flood Zone 3. Against policy. EA not consulted on Vision for Bath, Masterplan etc. No sequential test.
5 October 2006	Consultation Letter re. 1 st Dyson Detailed Application	Dave Pring, Environment Agency	Maintain objection. Lack of sequential test, SFRA, vulnerable use etc.

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24 October 2006	Letter from Arup to B&NES	JE Philip, Arup	Submission of FRA Modelling Results
17 November 2006	Consultation Letter re. Arup Outline Application	Dave Pring, Environment Agency	Maintain objection. Lack of SFRA, vulnerable use etc.
5 December 2006	Consultation Letter re. Arup Detailed River Wall Application	Dave Pring, Environment Agency	Objection on same grounds as to outline application. Additional comments made on wall realignment.
2 February 2007	Notes of Meeting between Dyson Team and Helen Simpson and Dave Pring, Environment Agency	Alison Carroll, Nicholas Pearson Associates	Discussion about: sequential test, SFRA, flood compensation, emergency access, exception test, bridge design.
16 February 2007	Meeting	Convened by SWRDA. Attended by B&NES, DSDI, Bath Spa University, EA	EA proposed joint approach to site. Rejected by BSU, B&NES and DSDI.
2 March 2007	Phone		DSDI Team offered EA a meeting for 7 March 2007. Offer rejected during phone call with Nick Gupta.
28 March 2007	Documents		Planning application submitted
2 April 2007	E-mail	Laura Menzies, Buro Happold to Nick Gupta, EA	Flood Risk Assessment sent to EA and offering meeting. No response.
18 April 2007	E-mail	Bruce Austen (DSDI)	DSDI Team to EA offering meeting. No response

Date	Title	Author	Summary of Content
17 May 2007	Letter	Dave Pring, Environment Agency	From the EA to the Council stating their objection. Asks the Council to confirm that a robust sequential approach was taken on site selection
12 June 2007	Meeting	James Dyson, Julia Curry, senior B&NES Councillors, John Everitt, Colin Skellett (SWRDA)	Discussed project history and Strategic Flood Risk Assessment. CS offered to contact Regional Director of EA.
15 June 2007	Letter	Richard Cresswell. Environment Agency	Wrote to James Dyson stating he was 'happy to arrange a meeting'. No meeting arranged.
10 August 2007	E-mail	Simon Jenkin (DSDI)	DSDI Team offered a meeting for 17 August. Meeting arranged (in Nick Gupta's absence) for 17 August 2007 Meeting to include David Trigwell and the Council. Meeting cancelled on 15 August 2007

Date	Title	Author	Summary of Content
17 August 2007	Phone / E-mail	Bruce Austen (DSDI) Nick Gupta (EA)	<p>Summary - DSDI have been given a planning date of September 19th. Original date of August 22 cancelled as B&NES had not received final views from EA and English Heritage.</p> <p>BA asked position regarding SFRA. Explained that DSDI had been advised of differing timescales for production of SFRA. Originally told it would be 'ready by end of June' then 'first week of July'. NG advised that the EA received the draft about two weeks (previously) and expected it to take further fortnight before EA could be certain that document was one against which planning decisions could be made. BA asked whether timescale of one month for this exercise would have been expected. NG agreed that it was.</p> <p>BA asked whether the timescale would have remained broadly the same if B&NES had provided EA with document at earlier point. NG thought that it would have taken around a month for technical review whenever it had been provided and agreed with BA statement that if the document had been produced a few months ago then the SFRA would probably have been agreed by now.</p> <p>BA raised question of EA advice given by EA colleagues in February 2007. Helen Simpson and Dave Pring attended meeting at offices of MDA in Bristol on 2 February. Meeting notes attached as</p>

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30 August 2007	E-mail	Nick Gupta, Environment Agency	<p data-bbox="1279 288 2016 895">Comments on 17 August phone call. Understands from talking to EA team that EA have supplied Council with full views on applications. EA currently being consulted on Level 1 SFRA for Bath & North East Somerset, including a Level 2 assessment of Bath City Centre. EA team is very disappointed but thought that the issue re "the interpretation of the building footprint" had been dealt with some time ago. EA have always maintained that the first issue to deal with is whether that type of establishment should be built in Flood Zone 3, not flood neutrality. At February meeting EA team explained hierarchy of stages of how to proceed. Very surprised your 'Flood Risk Consultants' have built strategy around achieving 'flood neutrality' and not on more substantial points i.e. justification for building in Flood Zone 3.</p> <p data-bbox="1279 935 2016 1182">With reference to your points on Flood Zones; if the development were to be within Zone 1 it would be far less important for a SFRA to be in place. PPS25 does not distinguish between age groups and purely refers to all educational establishments being classified as 'More Vulnerable'.</p> <p data-bbox="1279 1222 2016 1321">Currently discussing timing for a meeting which will need to link with colleagues at B&NES and timescales for consideration of application.</p>

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3 September 2007	E-mail	Simon Jenkin (DSDI)	DSDI Team e-mailed Nick Gupta seeking meeting. No response
3 September 2007	E-mail	Simon Jenkin (DSDI)	DSDI Team e-mail to Geoff Webber. 'Concerned at lack of movement from B&NES and EA'. Points out sequential test was undertaken by B&NES and that DSDI have acted on basis of that
4 September 2007	E-mail	B&NES Officer	Bath Spa University declared successful in tender process for South Quays
6 September 2007	Letter	Geoff Webber (B&NES)	Letter to DSDI Team explaining that a new sequential test is required and it is DSDI Team responsibility to undertake this.
4 October 2007	Press Release	Bath Spa University	Bath Spa University pull out of site acquisition
8 October 2007	Phone	Bruce Austen (DSDI)	DSDI Team phone conversation with Nick Gupta Summary was that EA will not remove their objection in current climate and see no purpose in meeting.
1 February 2008	Letter	Ian Gilder (ERM)	From ERM to Nick Gupta regarding the Sequential Test and Exception Test Report.
4 February 2008	Phone	Ruth Cunningham (ERM)	Efforts made by ERM to call Nick Gupta for a meeting/discussion. ERM could not get in contact with Nick Gupta.
11 February 2008	Phone	Ruth Cunningham (ERM)	ERM called Nick Gupta to discuss the Sequential Test. ERM left a message for Nick Gupta to reply. No response.
4 March 2008	Letter	Dave Pring. Environment Agency	From EA to B&NES regarding Sequential Test
9 March 2008	Letter	Ian Gilder (ERM)	ERM to Council regarding response to EA letter of 4 March
18 March 2008	Letter	Dave Pring. Environment Agency	From EA asserting that they have been in regular contact regarding South Quays since March 2006

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19 March 2008	Meeting	Councillors	B&NES determines applications. Delegates Officers to Permit
8 April 2008	E-mail	Bruce Austen (DSDI)	To Dave Pring (EA) offering a meeting at a time and location of EA choosing
10 April 2008	Phone	Alan Travers, Buro Happold	Alan Travers conversation with Dave Pring (EA)
11 April 2008	E-mail	Dave Pring. Environment Agency	From Dave Pring (EA) to BA (Dyson School) rejecting a meeting at any time
11 April 2008	E-mail	Ian Gilder (ERM)	From ERM to EA expressing concern at their unwillingness to attend any meeting
16 April 2008	Meeting	Councillors	Geoff Webber (B&NES) instructed by Development Control Committee to contact EA and urge them to reconsider attendance at forthcoming meeting.
16 April 2008	Phone	Geoff Webber (B&NES)	Geoff Webber (B&NES) to EA urging their attendance at meeting on 17 April. EA reject this.
14 May 2008	Meeting	Councillors	Geoff Webber (B&NES) instructed by Development Control Committee to write letter to EA objecting to their unwillingness to engage in discussions.