

MINUTES of the meeting of Environment Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 26th September, 2005 at 10.00 a.m.

Present: Councillor J.H.R. Goodwin (Chairman)
Councillor W.L.S. Bowen (Vice Chairman)

Councillors: P.J. Dauncey, K.G. Grumbley, J.G.S. Guthrie, T.W. Hunt, J.W. Newman, R. Preece and J.B. Williams

In attendance: Councillors J.W. Edwards, P.J. Edwards, Cabinet Member (Environment), D.J. Fleet, T.M. James, J.C. Mayson, R.J. Phillips, J. Stone, J.P. Thomas, D.B. Wilcox, Cabinet Member (Highways and Transportation), and R.M. Wilson.

21. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G.W. Davis and Miss F. Short.

22. NAMED SUBSTITUTES

Councillor R. Preece substituted for Councillor Miss F Short.

23. DECLARATIONS OF INTEREST

Councillors: WLS Bowen, JW Edwards, JHR Goodwin, KG Grumbley and JGS Guthrie declared personal interests as members of local Internal Drainage Boards.

24. MINUTES

RESOLVED: That the minutes of the meeting held on 8th August, 2005 be approved and signed by the Chairman.

Arising from resolution part b) of minute Item No. 19 (Presentation by Cabinet Member Highways and Transport) – which referred to a forthcoming meeting between the Director of Environment and the Director of the Highways Agency, the Director of Environment briefly reported that he had had a reasonably successful meeting with the Director of the Highways Agency and notes of that meeting would be circulated to Members. The Director planned to hold further meetings with the agency on a quarterly basis.

25. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

No public suggestions had been received.

26. FLOOD RISK MANAGEMENT OF HEREFORDSHIRE'S MAIN RIVERS

The Committee considered the Environment Agency's management of flood risk on main rivers in Herefordshire.

The Chairman reminded the Committee that the Environment Agency (EA) was the Land Drainage Authority for Herefordshire and had responsibility for the management of main rivers such as the Wye, Lugg, Team, Monnow and Arrow. The Committee had requested an opportunity to receive a presentation from the Agency and to seek clarification of the Agency's roles, responsibilities and activities in Herefordshire.

The Chairman introduced Tim England, South East Area Flood Manager – EA Wales; Martin Cadogan, Asset Systems Management Team Leader and Angela Gray, Project Manager for Hereford Flood Alleviation Scheme.

The following are the principal points made by Mr Tim England during his presentation to the Committee on Flood Management by the Environment Agency:

- The role of the Agency had changed over the years from land drainage to Flood Risk Management;
- He gave a brief overview of the legal history concerning the subject and highlighted the change in emphasis following the 1998/2000 major floods.
- He outlined the current flood defence and coastal defence organisations; the policy responsibility; principal legislation and organisational responsibility.
- The Agency's role included flood risk mapping; flood forecasting and warning; regulation; maintenance; flood alleviation schemes and acting as the reservoir regulatory Authority.
- Flood Risk Mapping involved the identification of the flood plain using historic data and hydraulic modelling. This mapping would enable the identification of risk areas, inform planning processes and the public. The Agency also used the mapping to consider the best risk management approach. The Committee were shown examples of Lidar Survey based data maps. Lidar involved aerial survey mapping, which can then be overlaid with Ordnance Survey and other information.
- The Agency undertook monitoring and forecasting of likely situations. This was done by a variety of methods including strategically placed rain and river gauges and information from the Meteorological Office. This enabled them to disseminate warnings; initiate their own operational response; raise public awareness and alert professional partners, such as the local authority, and emergency services.
- The Regulatory function involved liaison with Local Authority Planning and Development Control sections; the regulation of third party works on or near watercourses; the issue of Discharge Consents and Abstraction Licensing.
- He emphasised that in most cases the landowner was responsible for watercourse maintenance. However, the Agency did have powers, usually used in accordance with the principles of risk management, to clear blockages i.e. tree debris under bridges, the revetment of embankments; renewal of pumping station equipment and channel capacity schemes i.e. tree or soil removal.
- Flood Alleviation schemes were only considered as a last choice option. If, in accordance with risk management criteria, schemes were considered necessary they may include embankments; walls; diversion channels; pumping stations or a combination of these.
- As of October 2004, The Water Act 2003 transferred responsibility for enforcement of the Reservoirs Act to the Agency thereby ensuring a consistent approach to enforcement.

Following the presentation the Committee questioned the Agency representatives on a number of issues. The following indicate the principal points made:

1. Responding to how the Agency will apply its resources and expertise across the national boundary to ensure that Herefordshire was not disadvantaged by the recent reorganisation within the Agency, the Committee noted that while the political and budgetary responsibilities for the River Wye catchment area had changed from the EA Wales to the Midland Region the day to day technical work remained with Mr England's team in the Welsh Region.
2. Government as part of the review had made changes to the method of local representation. Local representation was now made through the Midland Regional Flood Defence Committee. The 18 seats on the Committee were divided between Local Authorities and DEFRA. Herefordshire, Gloucester City and South Gloucestershire had one seat, currently taken by Gloucester. Only 6 months of a four-year term had expired. It was therefore important that Herefordshire worked closely with the Gloucester representative to ensure that local issues were raised. Relevant contact details would be forwarded to the Head of Highways and Transportation for circulation to Members.
3. Questioned on the funding arrangements and the scope for local schemes to be promoted if they did not achieve priority ranking, the Committee were informed that following the major floods of 1998 and 2000 government funding had increased and, since the review of the agency, funding was now received as a block grant. While priority had been given to capital projects a further government review of funding levels was expected. Local schemes could still be promoted at regional level, which, if they didn't meet national funding criteria, may result in funding being raised by local levy.
4. The extent to which the EA resisted new development in areas of flood risk was raised. The EA responded that, as a statutory consultee, they were very effective in their response with advice on new developments. However, the decision on new development rested with the planning authority.
5. The accuracy of the latest flood risk maps were questioned. Particular reference was made concerning the flood data included as part of the Council's Unitary Development Plan (UDP), the accuracy of which had been called into question. The EA responded that initially maps had been issued as a rapid response to the floods of 1998 and 2000 and had lacked accuracy, but had been better than anything previously available. Since then the maps were updated regularly with more accurate data as it became available. However, the EA were undertaking an 18-month programme to Lidar (aerial survey) survey the main rivers within EA Wales, including Herefordshire which would provide even greater accuracy. The Agency agreed to provide a copy of the Herefordshire Main Rivers Maps to the Head of Highways and Transportation.
6. The Committee were informed that the EA did not have a formal programme of meeting Parish Councils, however, the Corporate Section of the EA would be happy to meet with such organisations.
7. In view of the fact that many communities rely on the security of existing flood defence systems and the effective management of rivers the EA were asked whether they had adequate resources to maintain and, where possible, improve the flood defence system in the County. The EA responded that their primary concern in relation to defence systems was to protect life and property. Proposed schemes were evaluated against government financial systems and against national priorities. While road accessibility was a low

priority the EA ensured that schemes provided a 'dry route' for emergency service access. However this may not be the most appropriate route for the local community.

8. Questioned on the Agency's work with the farming community to address problems associated with agricultural practices e.g. rain run-off; pollution; soil erosion; ploughing and planting near watercourse banks, the EA responded that the Agricultural Team in the Agency liaised with the farming community to minimise these issues.
9. Responding to what the EA was doing to inform the public and communities of the roles and responsibilities of the various agencies, public bodies and land owners that had interests in flood and watercourse management and what liaison or partnering arrangements were in place to co-ordinate the activities of the different agencies, the Committee were informed that while liaison was a common problem, the EA had mechanisms in place to address this issue.
10. It was noted that the EA organised local Flood Resilience Groups, comprised of representatives from Local Authorities, Emergency Services and major local businesses to discuss local flood risk management. The EA were working on improving the degree of private sector input. Details of the local Resilience Group would be forwarded to the Head of Highways and Transportation for circulation to Members.
11. Meetings of the Regional Flood Defence Committee are open to the public.
12. The EA have powers to remove obstructions or improve the main rivers. Responsibility for enforcing the maintenance of minor watercourses rests with the Local Authority or the Internal Drainage Board. However, while the EA also have the power to intercede, they preferred to work with the relevant body to resolve issues.
13. The remit of the EA is to administer and enforce flood risk management. In the majority of cases landowners are responsible for the clearance and maintenance of watercourses. The EA will only get directly involved if there is a benefit to the maintenance of flood risk. However, if a Councillor or Parish Council have concerns about a local watercourse they can contact the EA for advice.
14. Asked about how the EA reconciled its responsibilities for the environment and conservation with its responsibilities for managing key rivers and watercourses the EA responded that this was a difficult issue. It was emphasised that every scheme was subject to an environmental assessment and had to show value in undertaking it. It also had to show a potential for environmental enhancement. The Committee noted the improvement works by the Fisheries Section of the EA to the River Monnow.
15. Responding to a number of questions concerning the proposed flood defences for the Belmont roundabout area of Hereford (the south bank of the River Wye), the EA confirmed that DEFRA had now approved the scheme (£4m). While preliminary work by the EA had started, the main work on site could not start until 2007/08. The EA were already in talks with the developers (ASDA) about the design and necessary consents for the defence works, which would be provided by the developer. A number of obstacles still had to be overcome, one of which was planning permission for the works, which was expected to be submitted in July 2006. The EA confirmed they

were liaising with other agencies, including Welsh Water in relation to sewers and drains, in an attempt to provide a comprehensive scheme for the area. Hereford was getting a real defence scheme, part of which took into account known issues relating to 'climate change'. In relation to the protection of the north bank or areas around Lower Bullingham there were no proposals to undertake defence works. If in the future finance became available and a business case could be made then a scheme may be considered.

16. Works to the 'Stank' at Hampton Bishop and in the vicinity of the Holme Lacy Causeway (B4399) had been completed and no further works were planned. In the long term the EA may commission a review of the defences in that area.
17. The EA confirmed there had been a change in emphasis in the work of the Flood Section. Previously their work had centred on defence, now the emphasis was on risk management of the whole catchment. This may involve opening up previously blocked off defences to enable areas to flood or the provision of storm water storage areas in urban areas.
18. Normally it was the responsibility of the Highways Authority to clear debris caught under road bridges.
19. It was noted that historically the river Wye in Hereford had been dredged. Questioned on the merits of reintroducing dredging to reduce the likelihood of flooding the EA stated that they had investigated this option and, using current technology, could find no evidence of any benefit from a flood reduction point of view, in reintroducing the practice. Dredging the river would however have conflicting consequences for the leisure use of the river e.g. fishing versus boating.
20. The EA were invited to comment on whether an historical agreement governing the management of the dams at Rhyader had to ensure that the dams had spare capacity to hold flash flood water, as it was believed this wasn't now being provided for. The EA commented that they had no responsibility for the dams other than to enforce the Reservoirs Act – as mentioned in the presentation. They appreciated the dilemma for the water companies in meeting the need to supply water to customers. It was however emphasised that only 10 to 15% of the water in the Wye came from the catchment area around the dams.
21. The EA confirmed that, in common with local authorities, complaints from the public could be referred to the Ombudsman.

The Chairman thanked the EA representatives for attending and answering the Committee's questions. The Committee would wait with interest to see what improvements were brought about by the revised arrangements for the Regional Flood Defence Committees.

The meeting ended at 11.52 a.m.

CHAIRMAN