

**FLOOD AND DRAINAGE
 MANAGEMENT SCRUTINY
 COMMITTEE
 27 FEBRUARY 2015**

PRESENT: COUNCILLOR C L STRANGE (CHAIRMAN)

Councillors A M Austin, C J T H Brewis, A Bridges, M Brookes, R G Fairman, J R Marriott, C R Oxby, R A Renshaw and A J Jesson

District Councillors I G Fleetwood (West Lindsey District Council), D Jackson (City of Lincoln Council), R F Leggott (Boston Borough Council), Mrs F M Martin MBE (East Lindsey District Council), J Money (North Kesteven District Council) and B Russell (South Kesteven District Council)

External Agencies – Deborah Campbell (Environment Agency), Robert Caudwell (Anglian North Regional Flood and Coastal Committee), Jonathan Glerum (Anglian Water) and David Sisson (Lindsey Marsh Drainage Board)

Councillors C J Davie and D C Hoyes MBE, attended and participated in the meeting

Officers in attendance:-

Steve Blagg (Democratic Services Officer), David Hickman (Environmental Services Team Leader (Strategy and Partnership), Louise Tyers (Scrutiny Officer), Mark Welsh (Flood, Risk and Development Manager) and Steve Willis (Chief Operating Officer)

30 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor C E D Mair and Sam Markillie (South Holland Internal Drainage Board).

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillors A J Jesson and C E D Mair, to the Committee in place of Councillors C Pain and Mrs V C Ayling, respectively, for this meeting only.

31 DECLARATIONS OF MEMBERS' INTERESTS

None were declared at this stage of the meeting.

**FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015**

32 MINUTES OF THE PREVIOUS MEETING OF THE FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE HELD ON 4 DECEMBER 2014

RESOLVED

That the minutes of the previous meeting of the Committee held on 4 December 2014, be agreed as a correct record and signed by the Chairman, subject to Resolution (a) being amended by the addition of the words "responses given by officers to" after the word "and", (minute 28).

33 INVESTIGATIONS UNDERTAKEN UNDER SECTION 19 OF THE FLOOD AND WATER MANAGEMENT ACT 2010 - APPENDICES FORMAT

Following comments made by the Committee at the last meeting in connection with the format of the appendices of the report for investigations undertaken under Section 19, officers stated that improvements had been made to the format by archiving the completed schemes and that the clarity of the appendices would be improved for the next meeting.

34 PUBLIC CONSULTATION ON THE DRAFT FLOOD RISK MANAGEMENT PLANS

Following the last meeting of the Committee where it was agreed to establish a Working Group to look at the proposed responses to the draft Flood Risk Management Plans, officers stated that the Working Group had met and prepared responses to the consultations. It was noted that the Council's response was similar to other responses from around the country.

35 ANNOUNCEMENTS BY THE EXECUTIVE COUNCILLOR, ECONOMIC DEVELOPMENT, ENVIRONMENT, PLANNING, TOURISM AND SENIOR OFFICERS (ECONOMY AND PLACE)

Executive Councillor C J Davie stated that the Executive on 3 February 2015 had approved the Boston Barrier Water Level Management recommendations.

In response to comments by Councillor C Pain in connection with the River Steeping, Deborah Campbell read out a statement outlining the action taken to remedy flood risk in the area. She agreed to circulate a copy of the statement to the Committee and report to a future meeting on the outcome of the action detailed in the statement.

36 ANGLIAN WATER - A REGULATED BUSINESS

The Committee received a presentation from Jonathan Glerum in connection with Anglian Water's Asset Management Plan for the next five years.

Comments by the Committee included:-

FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015

1. The post work on the partnership programme bid (£8.4million) in programme year 2014 was jointly funded by Anglian Water and the three Anglian Regional Flood and Coastal Committees local levy. This was for £20,000 for a two year programme of work. The funding was from a local levy to which the County Council had contributed.
2. Who owned Anglian Water?
3. What consultation had Anglian Water undertaken on its five year Asset Management Plan?
4. Was there any consultation carried out on a daily basis by Anglian Water?
5. The importance of Anglian Water being a statutory consultee on planning applications was highlighted.
6. Anglian Water was thanked for clearing up the mess from the overflow of sewerage in Middle Rasen.
7. What were the effects of new developments on water infrastructure?
8. How effective was Anglian Water's campaign to educate the public and businesses about preventing the disposal of certain materials down toilets?

Jonathan Glerum's responses to the comments included:-

1. Anglian Water was owned by a private equity company.
2. Anglian Water was currently a monopoly but there were proposals to allow competition enabling businesses to change their water provider.
3. The price of water was set by OFWAT following consultations between Anglian Water and OFWAT.
4. There had been consultations with businesses about the five year plan. He agreed to report back about the specific details of consultation undertaken and responses received.
5. He gave examples of the regular consultation undertaken by Anglian Water with its customers. Anglian Water undertook customer engagement every six months to assess progress on their Business Plan.
6. He stated that there was little enthusiasm from the Government to allow water companies to become statutory consultees on planning applications. Water companies were consulted on "major" planning applications and Anglian Water did have a team dedicated to examining all planning applications.
7. It was noted that the County Council would become a statutory consultee in connection with SuDs and that the Council proposed to consult Anglian Water as part of this process.
8. Anglian Water would report to the next meeting of the Committee in connection with the effects of new developments on water infrastructure.
10. Anglian Water's "Keep it Clear" campaign had been successful in preventing inappropriate material being flushed down toilets and the campaign would continue.

Executive Councillor C J Davie stated that he had represented Local Government on the consultation process for the five year Asset Management Plan and in his view Anglian Water's Plan was successful with low prices, future investment guaranteed and good partnership arrangements put in place. He added that Anglian Water had made good contact with the Local Enterprise Partnerships.

Executive Councillor C J Davie stated that the comments in connection with water companies becoming statutory consultees for planning applications should be

**FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015**

referred to Andy Gutherson, Planning and Environment Commissioner, as head of the County Planning Group, which included representatives of the District Planning Authorities.

RESOLVED

- (a) That Anglian Water's five year Asset Management Plan be noted.
- (b) That the Committee's comments in connection with water companies becoming statutory consultees on planning applications be sent to Andy Gutherson, Planning and Environment Commissioner, as head of the County Planning Group.
- (c) That Anglian Water report to the next meeting on the effects of new development on water infrastructure.
- (d) That a breakdown of Anglian Water's customers between business and residential be provided along with the percentage return of responses to the consultation process carried out by Anglian Water in connection with their five year Asset Management Plan be sent to Councillor T Bridges.

37 LOUTH AND HORNCASTLE FLOOD ALLEVIATION SCHEMES

(NOTE: Councillor C L Strange requested that a note should be made in the minutes that he had known members of Mr Anthony Read's family for many years, stating that they did not meet socially or that they had had any conversation since he had retired from farming some fifteen years ago).

The Committee received a report in connection with the progress on implementing flood alleviation schemes for Louth and Horncastle.

The Chairman stated that two days ago he had received an email from Councillor C E H Marfleet who had forwarded a number of concerns which had been raised by Mr Anthony Read, a local landowner affected by the proposed flood alleviation scheme at Horncastle. Following advice from the Council's Legal Officer the Chairman stated he had been informed that this Committee should have a copy of Mr Read's letter and the letter was duly tabled.

The Chairman stated that he would allow Mr Read to speak but would ask the Committee to respond to the letter at its next meeting because the letter had been received at very short notice and to be reasonable to the Environment Agency, they should be given time to address the concerns raised.

Mr Read addressed the meeting and outlined the comments made in his tabled letter.

Deborah Campbell responded to some of Mr Read's concerns but stated that the technical issues raised in the letter would be considered by the Environment Agency and a report would be submitted to the next meeting.

The Chairman agreed to invite Mr Read to the next meeting.

FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015

Councillor Mrs F M Martin MBE stated that she had spoken to Mr Read in her capacity as a member of the Project Board for the Horncastle scheme. She emphasised the importance of communicating with all affected land owners.

Deborah Campbell stated that with regard to the Louth project Natural England had now agreed to review the Environment Agency's application for a licence to translocate water voles from the site at Louth in advance of the Agency being granted planning permission by the Local Planning Authority. Usually, Natural England required planning permission to have been granted to give surety that the scheme would go ahead. As the Louth project was being funded by Flood Defence Grant Aid funding, the District Council, the County Council and the Internal Drainage Board, Natural England had accepted that the works would be going ahead. The Environment Agency had also received a letter from the Planning Authority confirming that it was not a complex application. This meant that the work would be able to start earlier than expected.

The Committee's comments included:-

1. It was recognised that, nationally, Lincolnshire was taking the lead on these projects.

2. How effective was dredging?

Officers stated that dredging was only carried when it was considered to be an appropriate solution to flooding and where there were clear benefits to both agriculture and property.

With regard to Horncastle the planning application was expected to be submitted to the Planning Authority in March 2015 and a start made in Summer 2015. Water Voles had been found on the site but the appropriate measures had been taken to ensure that a start could be made on site in Summer 2015.

Councillor Mrs F M Martin MBE hoped there would not be any further slippage on the Horncastle project.

RESOLVED

(a) That the comments made by the Committee and the responses given by officers on the progress made towards implementing flood alleviation schemes for Louth and Horncastle, be noted.

(b) That consideration of the comments made by Mr Read in connection with the Horncastle flood alleviation project and the response to those comments by the Environment Agency, be considered at the next meeting of the Committee and that Mr Read be invited to that meeting.

**FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015****38 LEAD LOCAL FLOOD AUTHORITY RESPONSE TO SURFACE WATER
AND LOCAL FLOODING**

The Committee received a report in connection with the progress of Lead Local Flood Authority working with partners to deliver a joint effective emergency response to surface water flooding and drainage incidents.

Comments by the Committee included:-

1. The co-ordinated approach involving the District Councils, Internal Drainage Boards was welcomed.
2. The new telephone helpline protocol for use by the public was welcomed. It was important to let people at risk of flooding and Parish Councils know the telephone number.
3. There was a need to communicate with the public on the action they themselves could take to prevent flooding and the action they could expect from the designated Risk Management authorities.
4. The use of washboards and covers over air bricks by the public should be encouraged.
5. There were concerns by the public about the effect of flooding on their household insurance policies.
6. A co-ordinated approach on the use of sandbags was required.
7. It was suggested that a Group similar to the Lincolnshire Waste Partnership which comprised County and District Councillors, should be established to discuss flooding issues and this should be raised at the Chief Executives'/Leaders' meeting.

Officers' responses to comments, included:-

1. It was agreed that there was a need to improve communication with the public on the measures they could take to prevent flooding and the action they could expect from the authorities. A report on this issue would be considered at a future meeting.
2. The response procedure to calls from the public to the flood line telephone number was explained.
3. The flood line telephone number would be made available to Parish Councils.
4. A countywide standardised response to the issuing of sandbags was difficult to achieve because of the numerous District Councils in Lincolnshire.

Executive Councillor C J Davie stated that the Leaders'/Chief Executives' meeting regularly discussed flooding issues and added that signage for flooding incidents was being examined.

RESOLVED

(a) That the comments made by the Committee and responses given by officers on the progress made with partners be noted.

(b) That the continued work in developing the joint emergency incident response capability as detailed in the report be supported.

(c) That a report be submitted to a future meeting in connection with communications with the public on flooding issues.

39 GOVERNMENT PLANS FOR THE IMPLEMENTATION OF SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS) AND FOR LEAD LOCAL FLOOD AUTHORITIES (LLFAS) TO BECOME STATUTORY CONSULTEES IN THE PLANNING PROCESS

The Committee received a report on the Government's new intentions to implement Sustainable Urban Drainage systems (SuDs) through the planning process and to make Lead Local Flood Authorities (LLFAs) statutory consultees to Planning Authorities in the roles of providing technical advice with regard to local flood risk. Officers expressed concern about the financial burden of the proposals for the Council in its capacity as the LLFA in the county and discussions with the Local Government Association and the Government were on-going on this matter. The Government had estimated that the additional burden on local councils would be around £13,000 but local government had estimated that it was closer to £150,000.

Work was currently being undertaken looking at how the Council, as the statutory consultee, would consult with other bodies as part of the consultation process, especially in light of the tight timescales that would be in place.

Comments by the Committee included:-

1. The need to make representations to the Government and other agencies in connection with the financial burden being imposed on the Council in its capacity as the LLFA.
2. How would SuDs be considered when a planning application was referred to the LLFA for comment?
3. Who met the cost and maintenance of SuDs for new developments?
4. What was the position when Internal Drainage Board boundaries overlapped?
5. Was it possible for the maintenance of SuDs to be paid for by the developer in his planning fees?
6. The shortage of resources meant some District Planning Authorities had problems taking enforcement action in connection with over development and drainage matters.

Officers' responses to comments, included:-

1. The process for considering SuDs by the LLFA was explained. Water flood maps were examined in the process and the main problem was the over land flow of water on developments.
2. The cost of providing SuDs was being examined. There was an obligation on the statutory consultee to advise the District Planning Authority about the maintenance of SuDs.
3. While the statutory consultee would still advise on flooding matters for developments of less than 10 properties where flooding was considered a risk the nationally prescribed number of developments where the LLFA had to provide a comment was 10+ properties.

**FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015**

4. Where Internal Drainage Board (IDB) boundaries overlapped then all of the affected IDBs would be consulted.
5. District Planning Authorities had responsibility for future maintenance of SuDs.
6. In the original legislation it had been proposed that the developer should pay for SuDs through the planning fee but this had been removed in the recent legislation.

A motion was moved by Councillor C J T H Brewis, seconded by Councillor J R Marriott, that a letter should be sent seeking support, to Elizabeth Truss, Secretary of State for Environment, Food and Rural Affairs, Lincolnshire's MPs, the Secretary of the East Midland's Councils and the Secretary of the Local Government Association, for proper funding for Lead Local Flood Authorities and Local Planning Authorities to accompany this legislation's implementation.

RESOLVED

- (a) That the comments of the Committee and responses given by officers on the report, be noted.
- (b) That the impacts upon the County Council as the LLFA and District Councils as Local Planning Authorities, be noted.
- (c) That a letter be sent seeking support, to Elizabeth Truss, Secretary of State for Environment, Food and Rural Affairs, Lincolnshire's MPs, the Secretary of the East Midland's Councils and the Secretary of the Local Government Association, for proper funding for Lead Local Flood Authorities and Local Planning Authorities to accompany this legislation's implementation.

**40 INVESTIGATIONS UNDER SECTION 19 OF THE FLOOD AND WATER
MANAGEMENT ACT 2010**

(NOTE: Councillor J Money requested that a note should be made in the minutes that his wife owned property next door to the property located on Main Street, Scopwick, which had had flood alleviation measures installed).

The Committee received a report on the latest position of all current Section 19 investigations in the County.

Officers stated that the format of the appendices showing the investigations had been improved and they agreed that for future meetings they would be provided as A3 documents.

Comments by the Committee included:-

1. What was the latest situation in connection with Black Sluice Pumping Station?
2. What was the position in connection with the flooding issues Riverhead Terrace in Louth and Digby?
3. There had been problems caused by flooding at seven properties in Market Rasen.
4. The cleansing of gulleys in Boston was welcomed.

FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015

5. There were problems with flooding in Carholme Road, Lincoln, which had been raised by Councillor R B Parker.

Officers' responses to comments, included:-

1. Work was on-going involving the County Council, the Internal Drainage Boards and the Environment Agency to examine the working of Black Sluice Pumping Station. A workshop had been arranged and all relevant agencies had been invited to discuss the future operation of the Pumping Station. Officers agreed to respond to Councillor A Austin about the timescale of any proposed changes.
2. The problems of flooding at Middle Rasen caused by a collapsed culvert would be investigated.
3. Corrective work to pipes and ditches had been carried out at Digby following significant flooding in 2012 but work was on-going to examine the over land flow of water which was a problem in this area. The Committee would receive an update at its next meeting.
4. Officers agreed to speak to Councillor R B Parker about the problems of flooding on Carholme Road, Lincoln.

RESOLVED

(b) That the responses by officers to comments made by the Committee, be noted.

(b) That officers provide details of the timescale for the future operation of Black Sluice Pumping Station to Councillor A Austin.

(c) That officers examine the clarity of the wording in the appendices before the next meeting.

41 FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE WORK PROGRAMME

The Committee received a report in connection with its Work Programme.

The District Councillor representatives requested that the next meeting of the Committee on 14 May 2015, should be re-arranged due to the District Council Elections on 7 May 2015 as the Districts would not be in a position to notify the County Council of their members on the Committee until after their Annual General Meetings.

RESOLVED

(a) That the Committee's Work Programme be noted and updated accordingly.

(b) That due to the closeness of the District Council Elections to the next meeting of the Committee, the meeting on 14 May 2015, be postponed to a date to be agreed.

(Post Meeting Note – the next meeting of the Committee has been arranged for 10.30am on Friday 29 May 2015)

10
FLOOD AND DRAINAGE MANAGEMENT SCRUTINY COMMITTEE
27 FEBRUARY 2015

The meeting closed at 12.45 pm