

SOUTH DERBYSHIRE FLOOD LIAISON MEETING

Wednesday, November 2nd, 2016 at the Civic Offices, Civic Way, Swadlincote

PRESENT:-

District Council Representatives

Councillor Neil Atkin, Councillor Mrs Lisa Brown, Councillor Hilary Coyle, Councillor Paul Dunn, Councillor Beth Hall, Councillor Andrew MacPherson, Councillor David Muller, Councillor Kevin Richards, Councillor Peter Watson.

Stuart Batchelor (Chair), Kevin Exley (Planning Policy Officer), Phil Lenton (Cultural Services Technician), Tony Sylvester (Planning Services Manager).

Tom Sloan (Clerk).

Derbyshire County Council Representatives

Councillor Mrs Linda Chilton, Councillor Paul Dunn.

Victoria Coombes (Flood Risk Management Team), Nick Elliott (Emergency Planning), Kevin Finn (Development Control), Kevin Jones (Emergency Planning), Chris Rodgers (Flood Risk Management Team).

Environment Agency Representatives

Daniel Clancy, Naomi Doughty, Mark Swain (Flood Risk Management).

Severn Trent Water Representatives

Mark Heysmond (Senior Area Technician).

Parish Council / Meeting Representatives

Lee Collison (Shardlow Parish Council), John Houghton (Willington Parish Council), Andrew Jackson (Melbourne Parish Council), Peter Rainey (Repton Parish Council), Avril Record (Weston-on-Trent Parish Council), Trevor Scott (Shardlow Parish Council), Peter Woolrich (Egginton Parish Council).

1. Apologies for absence

Councillor Rob Davison, Councillor Peter Smith, Councillor Linda Stuart.

2. The minutes of the meeting held on June 29, 2016

The minutes were noted as a true record of the meeting.

3. Matters arising from the minutes

Victoria Coombes had been tasked with providing a document regarding planning conditions for surface water run-off. The document provided was due to be shared by Tom Sloan.

ACTION: Tom Sloan to forward document to parish councils

A response had been promised to Hatton Parish Council on surface water flooding in the car park of the village hall. Victoria Coombes reported that there were no further notes on the DCC system regarding the issue.

Councillor Mrs Lisa Brown had asked for an update on works at the Monks Bridge, near her Egginton Ward. Mark Swain reported that works had taken place at the location and were due to finish in the near future. They could potentially drag on into 2017, depending on whether they could be completed in the following two weeks before the start of the fish spawning season. If they were incomplete, they would have to wait until March. Councillor Mrs Brown asked for a further report at the next meeting.

ACTION: Mark Swain to provide a report back to the June meeting

Councillor Mrs Brown had requested an update from Mark Heysmond on a project Severn Trent never completed in Egginton to relieve surface water flooding. Mr Heysmond updated that an outfall had been found but the company needed to liaise with the Environment Agency with regard to an issue with the flood embankment. The network was working as it should but it couldn't cope with the outflow. Councillor Mrs Brown added that it was a complex problem but it had been rumbling on since 2012. The village had waited for four years, which she felt was unacceptable.

Councillor Mrs Brown had reported that the roads in Etwall became rivers during heavy rainfall. This water went into Etwall Brook and then onto Egginton and Willington. She believed it needed desilting. Naomi Doughty reported that the Environment Agency was going out to do an assessment of the scale of works required and she would report back on that. Councillor Andrew MacPherson asked if the works would extend as far as Willington, as dredging short sections of the waterway would be unproductive. Ms Doughty said that Willington would also be assessed.

Scropton residents were concerned about a brook being used to move water from Watery Lane to the other end of the village near Chapel Lane. Ms Coombes reported that she had arranged to meet with Scropton Parish Council in December.

Kevin Jones had been tasked with producing contact sheets for village notice boards and he confirmed these had been completed.

Dan Clancy had been asked to report back on a new model for the River Trent. He confirmed it was still a year away and was going out to consultants in the meantime.

4. Planning applications

- Adoption of balancing ponds / maintenance / liabilities**
- Land abstraction**

Tony Sylvester gave a presentation on how South Derbyshire District Council went about consulting with statutory bodies on planning applications received for large developments likely to have a significant impact on flooding. The bodies consulted included the Environment Agency and, as lead flood authority, Derbyshire County Council. A flood risk assessment would be triggered by a development which fell into Zone II or III. The district council did not have any high level flood expertise and relied instead on its statutory consultees when it came to drainage and foul water issues.

Councillor Mrs Brown said the district had received a whole raft of planning applications for the area, which were consulted upon with the Environment Agency, Severn Trent Water and Derbyshire County Council. The district often received stock responses, something which at times struck her as a tick box exercise. South Derbyshire was a flood-prone area and her concern was that, while conditions were put in place, she wanted reassurances that South Derbyshire District Council was doing absolutely everything in its power to make sure that these measures were sustainable and included maintenance of the conditions and various technical apparatus which made developments acceptable today. Would they be maintained in 10, 25, or 50 years' time? If SDDC was not careful, it would leave a legacy of horrendous flood risk for the future. Was SDDC making the district sustainable for the future? Mr Sylvester replied that the district was not in a position to judge exactly what the impact of development could be on the catchment of a river. SDDC relied on the Environment Agency for assistance. Councillor Mrs Brown asked if conditions attached to large developments were sufficiently robust and placed financial and legal responsibility on the developer in future. Mr Sylvester replied that the wording and enforcement of such conditions was much more robust than in past years. Enforcement was also taken seriously. At the completion of a scheme, an engineer signed it off after ensuring it was working correctly. Mr Sylvester said he had heard that Severn Trent Water had also decided that, provided any attenuation features were going to be maintained indefinitely by a management company, they would also consider adopting sewers on a development. Councillor Mrs Brown insisted that an inspection regime was needed for balancing ponds to ensure their future operation. Was SDDC leaving residual problems for the future? Mr Sylvester replied that attenuation features were not taken on without a commuted sum to ensure their future maintenance. Ms

Doughty added that there had been a change in the legislation in recent years which meant the Environment Agency was no longer a statutory consultee on issues of surface water drainage. County councils were instead responsible.

Councillor MacPherson said confidence for the public was difficult when there were so many different authorities covering the various aspects of flooding. In Willington, he said the residents local to Repton Road did not realise that they were responsible for clearing the brook running in front of their home. After it flooded, they felt a sense of responsibility and now cleaned it out, even though further upstream the relevant authorities weren't keeping up their end of the bargain. Although an emergency plan was in place for Willington, Councillor MacPherson said a maintenance plan was needed. Also, residents converting front gardens into hard standing needed to have a flood risk element attached to it. Mr Swain agreed that a parish plan was a good idea. Ms Doughty confirmed that the Environment Agency looked after the brook in Willington. It had a five-year maintenance plan which included desilting, starting in 2017. The works also included Shardlow and Repton. Nick Elliott added that flood alleviation relied on some action from the community.

ACTION: Tom Sloan to put parish involvement in flood alleviation on the agenda for SDDC's Parish Liaison Meeting

Councillor Mrs Linda Chilton thanked the various teams for their attendance at meetings in Melbourne. She felt communication was crucial and asked if contact details for key agencies involved in flooding could be sent out with Council Tax demands.

ACTION: Victoria Coombes to see if this was possible

Councillor Paul Dunn said that the issue of diminishing resources was being put aside. Nobody was installing permeable surfaces and this was causing problems for Severn Trent Water and Derbyshire County Council. The lack of resources applied to both initial planning advice through to maintenance schemes. Mr Sylvester replied that only recently (2012) was it allowed under Permitted Development to pave over a front lawn to park cars, provided you ran the surface water to a soakaway or made the surface permeable. Councillor Dunn was correct, but SDDC did not have the resources to go out and check that residents were correctly carrying out the work. All reported breaches, however, were investigated.

Councillor MacPherson said he understood anything lying in a brook was classed as contaminated waste and could not be scraped to one side. He asked if those sentenced to unpaid work could do it. Ms Doughty replied that analysis showed such sludge was always classed as hazardous waste. Getting 'volunteers' to remove it would probably breach health & safety legislation.

Avril Record said she was always disappointed to hear of no input from major housing developers. She claimed developers of all sizes did not take account of

land drains and this had a knock-on effect. Gullies had been filled in by builders and massive areas had been concreted, with residents living with the consequences. Ms Coombes replied that due to the large demand of the new statutory consultee role on team resources, DCC was unable to look at every planning application in detail. Instead, the council used a matrix to help prioritise responses to those applications deemed to have the most flood risk concerns. Mr Sylvester added that surface water drainage was a consideration in every development. Kevin Exley stated that Part One of the South Derbyshire Local Plan included SDDC's flood risk policies, including for developments of less than 10 dwellings, despite central government policies not including that. Councillor Mrs Brown said the problem was very much related to money and legal responsibility. When a developer walked away from a development and a community, it could lead to flooding and infrastructure difficulties. She felt a lot could be done at the planning stage so years ahead the finger could be pointed and legal responsibility apportioned.

Councillor Peter Watson cited the example of a case in Boulton Moor where the builder did not apply for adoption of surface water / sewage and properties in the area were subject to flooding. If the builder or developer chose not to get them adopted, then the properties were at risk. The builder in this case didn't walk away from their responsibilities, but the danger was they could have gone bust leaving residents in a difficult position. If a builder found a damaged surface water drain surely it was best practice to repair it, even if it appeared not to be working at the time? Ms Coombes explained that in some instances DCC recommended a bespoke planning condition if a land drain was included within the development boundary to help ensure the site could sustainably drain. However there were limitations if it was located outside of the development boundary. Mr Sylvester added that Building Control could not have a say over surface water drainage outside a property. The biggest issue from new estates was drainage from the highways. Councillor Mrs Brown asked if a generic clause could be added to permissions regarding highways drainage. Mr Sylvester replied that it would need to be checked out legally. Ms Coombes explained that there were three conditions for surface water drainage that DCC frequently recommended.

ACTION: Tony Sylvester / Victoria Coombes to review the wording of an overarching condition to ensure any flood control scheme is all-encompassing and to seek to ensure any such approved scheme was monitored and maintained and any necessary remedial works were undertaken by the developer or their management company nominees

5. Reports from agencies

• South Derbyshire District Council

Phil Lenton updated the meeting on water course maintenance work he had carried out in the district since the June meeting, including at:

- Doles Brook, Findern.
- Pessall Brook, Coton in the Elms.
- The balancing area at Sweet Leys Way, Melbourne.
- Boggy Lane, Egginton.
- Ivy Close, Willington.
- Cockshut Lane, Ashby Road, Melbourne.
- Green Lane, Church Lane, Barrow upon Trent.

Ms Record asked what the situation was regarding flooding at Trent Lane in Weston-on-Trent. Mr Heysmond replied that it was part of an uncharted system and Severn Trent Water was not entirely sure about it. It appeared that an old land drain had been severed.

ACTION: Victoria Coombes to liaise over issue in Weston-on-Trent

• Environment Agency

National issues

- Flood warning system was being updated. Old system, which still featured pagers and fax machines, was being replaced. System expected to improve the consistency of message.
- Flood awareness campaign to be launched in November. One in six houses in the UK was at risk of flooding. “Floods destroy” was a particularly useful phrase to enter into a search engine.
- Winter readiness campaign to learn lessons from the previous winter’s floods.
- New contract between the Environment Agency and Eddie Stobart Haulage to move equipment around the UK in times of emergency.

Local issues

- Water seeping through a valve at Scropton had been resolved. The valve was not seating correctly but it had been repaired.
- A desilt of the Shardlow Dyke due to take place before the spring of 2017. Pumps to be replaced. **ACTION: Naomi Doughty to email Shardlow Parish Council and inform them of works taking place**
- Repton Brook, Egginton Brook and Etwall Brook to be desilted.
- A lot of works no longer needed a full permit to be carried out.

Councillor Mrs Brown asked for an update on the proposed strategic railway exchange for Etwall / Egginton Common. Mr Clancy, the lead officer on the development, replied that the Environment Agency had met with the developer and consultants. The proposal was still in its early stages. No full details or plans had yet been revealed. Mr Clancy said the developer was going to look at the reservoir between Etwall and Willington. It was not working as it should and the Environment Agency and Phil Lenton were trying to ensure any changes to the reservoir reduced the risk downstream. Councillor Mrs Brown said it was the

biggest development to ever come to South Derbyshire and residents were totally in the dark about it. Ms Doughty replied that there had been a hiatus in the development and she did not expect any further developments this year. Ms Coombes added that DCC was putting measures in place to ensure it was fully scrutinised. Councillor Mrs Brown insisted there was singularly little information available that she could report back to the public, who believed that deals were being done ahead of the proposals being brought to public consultation. Peter Woolrich added that Egginton residents were concerned about run-off to the south of the new development affecting the village.

• **Derbyshire County Council**

Ms Coombes updated the meeting that Melbourne and Ticknall had been the focus since the previous meeting, in line with DCC's priorities of avoiding loss of life, protecting property and critical infrastructure. This had been very successful, with help from Severn Trent Water and Phil Lenton. A bid for national flood risk management funding had been successful for Melbourne, with £40,000 allocated this financial year and a further £40,000 due to be allocated next financial year. Money had also been allocated on the six-year medium term plan for Scropton and the council was working to deliver a flood risk management scheme for the community. Councillor Mrs Chilton thanked Ms Coombes for the help in Melbourne and Ticknall which had really boosted the residents' confidence in DCC.

Councillor Watson thanked the officers present for the work they had done in Shardlow. He also asked for future agendas to be altered to allow parishes to speak first as the meeting was intended for them. Councillor Mrs Chilton added that she thought questions should be submitted in advance. Councillor Mrs Brown said it had been an important meeting which had covered a lot of ground.

Mr Elliott reported that DCC had a plan in place along Defra (Department for Environment, Food and Rural Affairs) guidelines. But he asked the parishes to help pick up the baton and adopt a 'Flood Wardens' approach. DCC could help in an emergency by providing sandbags but there was a limited amount of resources available to cover the whole county. Having local knowledge was crucial and DCC was keen to promote the Flood Warden schemes which provided communities with the tools to help themselves in the event of flooding (rather than having to wait for the county council, who in reality may never get there). Free empty sandbags were, however, available at some libraries in the county. Ms Coombes also explained that the council's flood team could offer a sample of an alternative to sandbags upon request.

Kevin Finn updated the meeting on the situation at Willington Quarry. He was called in late on to write a report for the recent southern extension of the works, familiarising himself with the history of the site. It was originally given permission with the condition the site would be returned to agricultural usage after mineral extraction was completed. PFA (pulverised fuel ash) from the local power stations was to be used to build the land back up to its original level. However,

the amount of material available diminished and the county council was faced with the prospect of needing an alternative solution. An application was made in 2005 to amend the form of restoration, but it wasn't granted until quite a few years later and extraction operations continued. Mr Woolrich asked if the operation had slipped through the cracks and Mr Finn agreed that it had. Councillor Mrs Brown said it was an enormous site in Flood Zone Three which had been operating without any planning consent whatsoever. Such an important scheme needed to be managed properly and she wanted reassurance that in future such a situation would not be repeated. Mr Finn said the quarry was covered by several different planning consents. It was regrettable that circumstances had changed beyond the operator's control. Everyone wanted to see a reduction in the loss of waterside meadows and the return of agricultural land but in this case it had not been possible. The water feature created at the level of the water table increased the water holding capacity of the site and reduced the instances of flooding on the site. Councillor Mrs Brown agreed that was fortunate.

• **Severn Trent Water**

Mr Heysmond reported that a CCTV survey had started on Brook Street, Hartshorne. A stretch of 1km along Repton Road had been cleared of roots. Work still taking place in Ticknall, which was a shared scheme with DCC, was due to end soon.

Mr Batchelor thanked Mr Heysmond for his attendance and added that Severn Trent's presence at the meetings was highly beneficial for everyone involved.

John Houghton asked if Severn Trent had inspected the valve in Bargate Lane, Willington. Mr Heysmond replied that the company had not and he would take details of the valve's exact location from Mr Houghton.

Peter Rainey raised the issue of blocked drains in Milton Road, Repton. They were causing considerable flooding down the road into the village.

ACTION: Mark Heysmond to report back on the issue

Councillor David Muller said the village of Etwall was pinched between two major developments and he was being asked very difficult questions by his parishioners that he was unable to answer. He wanted reassurance for Etwall that the village wasn't going to be caught in a deluge. Ms Coombes asked for a list of any developments Councillor Muller was concerned about. Mr Woolrich added that he had seen the Seven Wells pub flooded before all the housing developments had taken place, increasing his worries for the future with the extra run-off now happening.

Mr Batchelor suggested that SDDC's Area Forums could feature speakers from the meeting in future. Councillor Mrs Chilton replied that the public rarely

attended the meetings unless they had a specific issue to raise. Mr Batchelor added that the meetings were due an overhaul soon.

Councillor Mrs Beth Hall complained that the Seales Ward had barely featured at the meeting despite having a lot of problems with flooding, largely caused by landowners failing to dig their ditches out. Instead, the lanes of her ward were being used as ditches. She wanted landowners to be forced to clear them out. Mr Swain replied that the best way to put pressure on a landowner was through the local parish council. This approach had worked in Rolleston on Dove, and Tean, near Uttoxeter. There was also a Land Tribunal as a last resort. Councillor Mrs Chilton added that sometimes a parish council did not know who the landowner was. Ms Coombes explained that DCC did not have a specific land drainage budget to use their permitted enforcement powers under the Land Drainage Act, and are yet to exercise these powers.

5. Reports from parish councils

None.

6. Any other business

Councillor Watson complained at the length of the meeting and reiterated that parish councils should be allowed to speak first.

7. Date and time of the next meeting

TBA.

The meeting finished at 12.40pm.