
REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES	AGENDA ITEM: 9
DATE OF MEETING:	9 TH MARCH 2006	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	CHRIS MASON 5794	DOC:
SUBJECT:	ENMAINMENT OF CRITICAL ORDINARY WATERCOURSES (COWs)	REF:
WARD(S) AFFECTED:	NEWHALL & STANTON, WILLINGTON & FINDERN, HATTON, SHARDLOW & GREAT WILNE	TERMS OF REFERENCE: EDS01

1.0 Recommendations

- 1.1 That Members re-affirm the decision taken at the meeting of this Committee on 7th July 2005 not to contract back responsibility for the maintenance of the District's Critical Ordinary Watercourses.

2.0 Purpose of Report

- 2.1 This report is in response to a Member question at the last meeting of this Committee relating to concerns that with enmainment the level of service would be inferior to that currently delivered.
- 2.2 The report provides the background to the process of enmainment and summarises again the main arguments against contracting back. It also attempts to clarify why the overall service after enmainment will not be significantly inferior to that currently delivered.

3.0 Detail

- 3.1 At the meeting of this Committee on 7th July 2005 Members resolved not to contract back the maintenance of the four COWs in South Derbyshire after enmainment by the Environment Agency (EA). Under the timetable for enmainment a decision was required by the EA by August 2005. The EA were subsequently made aware of Members' decision by this date. As background information a copy of the report of 7th July 05 is attached at Annexe A.
- 3.2 At a meeting of the Parish Council Flood Liaison Group on 11th October 2005, in response to questions, a representative of the Environment Agency indicated that he felt that 'as a national organisation the Agency could not respond as quickly as the local Council'. The relevant section of the minutes of this meeting is attached at Annexe B. Clarification of these comments and the context in which they were made

has been sought from the officer involved and these are discussed in greater detail later in the report.

3.3 It is not intended to go through verbatim the reasons for the Enmainment policy or the pros and cons of contracting back. These are detailed in the original report to Members. At this stage it may be useful though to summarise the key issues:

- The whole basis of enmainment is to provide a more strategic, consistent and proactive level of service to dealing with flood emergencies.
- Responsibility for the COWs in South Derbyshire is passing back to the Environment Agency on 1st April 2006 no matter what.
- The option to contract back means we do so on the EA's terms and conditions.
- Officers are not aware of any other authorities in Derbyshire that are opting to contract back. The general view is that the terms and conditions of opting back are extremely onerous. This view is supported by the Council's Legal Officers. The EA have indicated that in the Midlands the only authorities that have opted to contract back are Birmingham City Council and Sandwell MBC.
- Despite the August 2005 deadline the EA have indicated that they would still be prepared to consider this Council opting back provided we could supply a programme of intended work (both capital & revenue) together with detailed costings for this work by 1st April 2006. This programme would be based on the Council meeting the operational & environmental requirements specified by the EA.
- To prepare us to make the case to contract back would require a significant management input. Practically, this would have been difficult in July 2005. The only way it could be done at this late stage is through external sources at considerable expense.
- To meet the ongoing requirements of the EA would require additional revenue expenditure in the region of £22,000 per annum
- Any opt back would be for a 2 year period only. After this the EA would be free to submit the work to open tender. The Council could go to a great deal of trouble and expense now and find in 2 years time we lose the service anyway
- In the successful negotiations with landowners for the major flood alleviation project at Hatton a key factor was the EA's decision to assume responsibility for the remodelled watercourse after 1st April 2006. Otherwise this would have fallen on the landowners themselves. The EA have indicated that they have already allocated a budget to undertake the regular maintenance & desilting of the Salt Brook.
- Officers of this Council would still retain their current liaison/social role in flooding emergencies including the delivery of sandbags unless Members decide otherwise.

3.4 As mentioned in clause 3.2 above further clarification of his comments at the Parish Flood Liaison meeting have been sought from the representative of the EA. He has clarified that the point he was trying to make is that *'the EA have many local*

authorities to deal with. He recognises that the Council's Engineering Technician is an excellent resource for South Derbyshire, dealing quickly with minor cosmetic problems that perhaps generate a certain amount of local agitation. We (the EA) have to justify that each piece of work we do will reduce flood risk. To perhaps provide some comfort, Hatton & Scropton are located in what we term 'High Risk' Flood Management Systems. These will attract the highest level of service'

The EA's approach will be strategic and very much about prevention through regular inspections, routine maintenance and investment in preventative capital works. An example of this is that the EA have already allocated capital for the provision of a flap valve on the Salt Brook, something that's previously been identified as a further flood alleviation measure. Their approach will also place a key emphasis on environmental issues. At present, while the Council's service is responsive, particularly during working hours (we don't currently have an 'out of hours' standby service), we don't have anything like the staff or financial resources to undertake the necessary preventative work or the expertise to undertake the required environmental work.

- 3.5 The flooding emergencies of November 2000 and the effects this had on local communities at the time are very much in everyone's thoughts. However, on balance, it is still felt that enmainment will improve the overall service offered to the community and free up the Council's existing staffing resource to concentrate on the numerous other flooding and land drainage problems that require attention

4.0 Financial Implications

- 4.1 No new financial implications are identified in this report.

5.0 Corporate Implications

- 5.1 None from this report

6.0 Community Implications

- 6.1 No new implications from this report

7.0 Conclusions

- 7.1 The concerns of Members, particularly those in Wards who were affected by the floods of November 2000 are very much appreciated and understood. However, on balance there does not appear to be any overriding practical, financial or technical reasons to opt to contract back the maintenance of COWs.

