

No.

ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE

Minutes of a remote meeting held on 15th February, 2022.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor B.E. Brooks (Chair); S. Sivagnanam (Vice-Chair); P. Drake, V.P. Driscoll, G. John, M.J.G. Morgan, A.R. Robertson, L.O. Rowlands and S.T. Wiliam.

Also present: Councillors L. Burnett (Cabinet Member for Education and Regeneration), S. Griffiths and E. Williams (Cabinet Member for Legal, Regulatory and Planning Services).

854 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

855 APOLOGY FOR ABSENCE –

This was received from Councillor V.J. Bailey.

856 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 18th January, 2022 be approved as a correct record.

857 DECLARATIONS OF INTEREST –

No declarations of interest were received.

858 FLOOD ALLEVIATION -

(i) Flood Alleviation Schemes for Vale of Glamorgan – Tim England, Natural Resources Wales:

The Committee welcomed Tim England and Tim Marshall from Natural Resources Wales (NRW), who had been invited to provide an overview of flood alleviation schemes currently taking place across the Vale of Glamorgan.

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Tim Marshall began by providing an overview of the role and powers of NRW in relation to flood risk management, so as an organisation NRW had statutory duties and permissive powers. These included operational powers to manage the risk of flooding from main rivers and the sea, and to deal with coastal erosion. NRW also had general supervision over all matters related to flood and coastal erosion, including risk management in Wales which powers include the management and maintenance of main rivers, the construction and maintenance of flood risk management assets.

In terms of the flooding event on 23rd December, 2020, the Committee was advised that it was a 1 in 20 chance event of it happening every year. This resulted in over 100 properties being flooded internally with many others also being affected in the Dinas Powys area. Out buildings and gardens at the rivers Cadoxton and the Eastbrook went over top their banks at several locations.

As a result of the Section 19 Flood Investigation report findings for Dinas Powys, a number of recommendations were made, including a need to assess options to reduce flood risks and also to assess the maintenance regime for the watercourse. It was noted that in the summer of 2020, NRW had published an outline business case that supported the delivery of an online storage reservoir for flood water upstream of the village. However, that option faced very significant public opposition on environmental grounds, and it wasn't developed further. As a result, at the close of that study and after consultation with the local community, it was determined that there wasn't a viable solution that could be provide flood protection to the whole community.

Since the December 2020 event, NRW had been progressing ongoing work in Dinas Powys. This included:

- Regular maintenance of the Cadoxton and Eastbrook rivers.
- The appointment of the National Flood Forum (NFF) to provide recovery services.
- Collaborative working between NRW, the Council, the NFF and Welsh Water to hold consultation events with residents.

In addition, NRW were undertaking studies around natural flood management, which required input and advice from a specialist consultant agency. Funding for further studies was being sought. It was also important to stress, that even a successful natural flood management scheme, would still leave some properties at risk.

With regard to the Section 19 Flood Investigation report findings for Sully, it was noted that the level of the tides had not had an adverse impact and there were no recommended actions for NRW to implement. However, NRW had substantially completed improvement works at the outfall of the river Cadoxton into the Severn estuary.

Finally, the Committee was briefly apprised of other schemes being undertaken across other parts of the Vale of Glamorgan, including Cowbridge.

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(ii) Section 19 Flood Investigation Reporting Update – Mike Clogg, Operational Manager for Engineering (Neighbourhood Services and Transport).

The Operational Manager for Engineering (Neighbourhood Services and Transport) provided an update on the Section 19 Flood Investigation reports. He was joined by the Engineering Manager - Environment • Visible Services and Transport.

The Operational Manager began by outlining the thresholds for Section 19 reports. These were:

- Where nine or more properties have been internally flooded.
- When two or more non-residential properties are internally flooded.
- Where critical services are flooded or significantly disrupted.
- Where 750m of road or rail is directly impacted by flooding.
- Where a nationally or internationally environmentally designated site or heritage features is detrimentally impacted.
- An area greater than 0.4km² of Grade 1, 2 or 3 land is flooded.

The extent and purpose of a Section 19 report was to provide a factual report of a particular storm event that had resulted in significant flooding. It should identify the relevant risk management authorities who had the relevant flood risk management functions as a consequence of the flooding. It should also consider whether the relevant risk management authorities had exercised or were proposing to discharge their functions in response to the flood. In addition, there was a requirement for the Council to liaise with other flood risk management authorities to complete the Section 19 report. A Section 19 report, however, was not intended to identify a specific solution to the cause of any flooding. The results of any Section 19 investigation needed to be published and the relevant risk management authorities notified.

With regard to the weather conditions during December 2020, it was advised that the overall rainfall January to December 2020 was above the average across most of the UK, particularly across western regions, with the December 2020 rainfall substantially above average. The quantity of rainfall left little capacity within the soil to retain additional water and mean river flows for January to December 2020 were exceptionally high across Wales. These conditions resulted in flooding being a recurrent characteristic of the month.

As a result, the flood event on 23rd December 2020 occurred in response to a short and intense storm event. Heavy rainfall occurred between 12:45 and 18:00 when 47.8mm of rain fell with an average intensity of 9.1mm/hr. The event was mainly restricted to the eastern urban areas of the Vale and impacted Sully, Dinas Powys, Sully Moors Road, Penarth including Lavernock Road and St Richard Gwyn School

The Operational Manager advised that the Dinas Powys Section 19 report had been published during November 2021, and the Sully Moors Road Section 19 report was being finalised for publication within the next 4 to 6 weeks. The St Richard Gwyn school Section 19 was to be progressed which related to a critical service being flooded or significantly disrupted. The Lavernock Road, Penarth

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Section 19 report would also to be progressed, which related to an over 750 metres adopted highway directly impacted.

For the Sully Section 19 report it was noted that the locations impacted were the residential area north of South Road from Swanbridge Grove to Winsford Road; and Conybeare Road. 18 properties were affected by internal surface water flooding and the storm event resulted in rapid surface water flows from adjoining fields. Flooding was likely exacerbated by the highway drainage system being overwhelmed.

The proposed actions for Sully were for there to be an assessment of the viability of Flood Risk Management Schemes to manage surface water flood risk. In addition to the capacity modelling of the existing highway surface water networks in affected areas and to consider improvements. Welsh Water would be required to model the capacity of the existing public surface water drainage system and consider ways to enhance the maintenance schedule. There would also be a future funding application to Welsh Government to develop outline business case to progress Property Level Protection to help protect individual properties short-term.

In relation to the Dinas Powys Section 19 report, the Operational Manager outlined that:

- 98 properties reported to have been flooded internally, 22 outbuildings and 74 gardens flooded across Dinas Powys.
- Primary areas affected Brookside, Greenfield Avenue, St Cadoc's Avenue, Vale Court, Cae'r Odyn.
- Identified previous flooding history at St Cadoc's Avenue, Greenfield Avenue, Elm Grove Place and Cardiff Road at Eastbrook in previous years most recent 1998, 2000, 2008 & 2012.
- Flooding in St Cadoc's Avenue, Greenfield Avenue and Elm Grove Place from the River Cadoxton exceeding channel capacity.
- Flooding at Cae'r Odyn and Brookside due to surface water flooding.

Actions recommended for Dinas Powys were:

- NRW to consider options to reduce the flood risk from main rivers in Dinas Powys.
- NRW review the maintenance schedule for the Eastbrook and River Cadoxton.
- Welsh Water to confirm the condition of surface water and foul drainage systems on Cae'r Odyn.
- The Council to investigate highway surface water systems in Pen-y-Turnpike, Mill Road, Greenfield Avenue area and Millbrook Road.
- Welsh Government funding obtained to carry out surveys and develop business case for Property Level Protection across the community in collaboration with NRW. Total costs estimated to be in the region of £2.9m.
- Collaborative working with NRW and Welsh Water in conjunction with Dinas Powys Flood Action Group to consider actions identified.

That concluded the Operational Manager's update.

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The Chair welcomed Miss Katie Parsons-Young the first public speaker, who was advised that they would have 3 minutes speaking time.

Miss Parsons-Young began by stating that she lived in Llandough, so it was their house that was being discussed by the Operational Manager. Miss Parsons-Young added that there was historic flooding here all the time with a culvert running underneath the front garden, which would regularly overflow. This was not blocked so was unfit for purpose. She commented that from 2013 onwards, she had letters and meetings with the Highways Department, Councillors, etc, but there not been any action over the past nine years. The flooding was exasperated when Welsh Water and the Council granted permission for the new housing development which added to the surface water draining to the culvert running underneath her house. Miss Parsons-Young stated that she had applied to be included in the Section 19 report but was probably omitted as it did not quite meet the criteria or the threshold. She expressed concern as it appeared that the residents of Llandough were being overlooked, and she issued a request for something to be done to help.

There being no points of clarification, the Chair invited Mr. Max Wallis the next public speaker to address the Committee. Mr. Wallis was advised that he would have 3 minutes.

Mr. Wallis stated that the first point was that the Cog Moors water works was not able to take all the flood water that was going into the sewer, and that was part of the problem. Mr. Wallis indicated that he had received figures from Welsh Water which showed that the water works could handle 1800 litres of water per second treatment under spill. This was on top of the untreated water of 2400 litres. Further data received from Welsh Water showed that they went up to the maximum spill and could not take anymore. Therefore, when they had reached the maximum capacity Welsh Water had turned off the pumps and discharged the water into Barry Docks and the connections to the river.

Mr. Wallis went on to state that houses in Penarth created a lot of foul water because they were old with no surface water drainage. On the 23rd of December 2020, the trouble was that Welsh Water couldn't pump raw sewage, so it overflowed onto the road network. He added that what was needed was sustainable urban drainage system (SUDS).

Mr. Wallis's third point was that in Dinas Powys half of the streets drained in to the sewer and the other half, as had already been indicated, the water could not get into the river because the river was too high. This situation remained the same. The Llandough Hospital drainage went into the Eastbrook, which had been affected by the construction of a new car park, so he considered that there should be something done about retaining water.

In reply to a point of clarification regarding whether drains were possibly blocked in Dinas Powys, Dr. Wallis stated the problem was not maintenance of drains, the problem was that the sewers were not capable of taking the amount of water at 5pm at the end of the storm, it all suddenly disappeared because the drains started to function.

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The third public speaker was Dinas Powys Community Councillor, Chris Franks, who was advised would have 3 minutes speaking time.

Councillor Franks stated that he did not believe that the Vale of Glamorgan Council was treating residents with the necessary consideration. He commented that during the flood emergency, the Council was nowhere to be seen. Since the event it was considered that very little had improved. Councillor Franks asked for more resources to be allocated to allow officers to better respond to any future incidents. He could not see evidence of concern for people's wellbeing.

The focus on flooding of houses had been the correct approach, but he also highlighted that the that the main road, the A 4055, was flooded for a considerable period to a considerable depth. This isolated many hundreds of households, so he urged the Committee to recommend that there be an immediate increase in resources in terms of finance and staffing to adequately respond to any future emergencies. In addition, and as a minimum, Councillor Franks asked for the recommendations of the Section 19 Report for Dinas Powys should be implemented as a matter of urgency.

The Chair, Councillor Brooks, asked whether Officers and the representatives of NRW wanted to respond to the main points raised by the public speakers.

In terms of flooding at Llandough and the Council's response, the Engineering Manager stated that he investigated all instances of flooding across the Vale. He referred to difficulties because there were private culverts running underneath private land. This had been looked at previously and at this time nothing had changed in terms of viability of possible solutions. It was still important for issues to be reported to the Council so that a bigger picture could be built up of how often flooding occurred. Regarding new housing developments and surface water, there was a scheme and a drainage strategy in place that had now been adopted by Welsh Water. The Council was still investigating all of the culverts in the area following the flooding that happened in December 2020.

In relation to the new car park at Llandough Hospital, it was advised that some elements of this had attenuation features built into it or lower down in the water course. Furthermore, any new development with drainage implications had to now go through a separate approval process in parallel to the Planning process. This would prevent any new development having a detriment further downstream.

Responding to Mr. Wallis's points relating to the Cog Moors water works, the Operational Manager outlined that Welsh Water were not here to respond, but as part of the Section 19 investigation Welsh Water had indicated that the facility was functioning correctly. In addition, Welsh Water had also indicated that there had not been any discharge into Sully Brook.

With regard to the points raised by Councillor Franks, the Operational Manager stated that he believed that the Council had given significant consideration to residents, referring to the collaborative work being undertaken between the Council, Welsh Water and the residents. He added that it was important to remember that flooding was a very complex issue and careful modelling was required to ensure that the correct actions were being carried out to address the

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situation. The Operational Manager advised that several works were being undertaken in Dinas Powys in terms of highway cleansing and drainage repairs and Welsh Water were also carrying out modelling of the water network. Over the months since the flooding, there had also been close liaison with the Flood Action Group. It was important to recognise that the Council was not an emergency service, so it had vehicles stuck in traffic at various locations across the Vale, therefore the Council had responded as best it could with the resources available.

In being asked to comment, Tim Marshall from NRW, explained that it had been fortunate for the services of the National Flood Forum to be procured to help the local residents to come together and get organised in the event of flooding. This was not the whole answer, but it was important to commend the residents for the ways that they had pulled together.

Councillor S. Griffiths, local ward member for Dinas Powys, but not a member of the Committee was invited to speak. Councillor Griffiths stated that for properties in Dinas Powys which remained at risk of flooding even if successful schemes were implemented, how accurate was the projection for a 1 in 30 flood event and did that mean that more houses could be flooding. He also asked whether it would be considered for schemes to be progressed quicker and what could be done to speed up this process. In response, Tim Marshall stated that the figures indicated that 61 houses would remain at risk even if a very successful natural flood management scheme was implemented. Those figures were based on estimates of flood probabilities, but this predated the events of December 2020. Since then, consultants working with Welsh Water had estimated flood frequency on flood return periods again, and now it was believed that those intense rainfall events leading to flooding were likely to be more frequent than previously thought. This was also likely to be impacted by climate change. NRW were aware of the processes around the approval of flood alleviation schemes, which was why NRW were doing their utmost now to make the business case for the installation of water gauges. This would help to better understand the water catchment and enable NRW to make refinements. In addition, the Council was trying to push forward protection at property level.

Councillor A. Robertson queried the purpose of this Section 19 report, referring to the need find solutions that people wanted, so he queried at what point would solutions be actually looked at. Councillor Robertson also commented on the highway drainage issues in the Millbrook Road area of Dinas Powys, which found that the drainage was significantly damaged to quite large extent by the intrusion of works by utilities companies. His final query was whether a meteorologist had been asked why there had been such a heavy rainfall.

In response to Councillor Robertson, the Operational Manager advised that the purpose of a Section 19 was not to outline solutions, but where there were some possible quick wins, then there's no reason why that these could not be identified during the completion of the report. He added that modelling and investigation of potential solutions was being carried out, but it took time to assess all the issues and to put a business case together to attract necessary funding.

With regards to Millbrook Road, the Operational Manager confirmed that the remedial works had been completed. The route that the gas pipes went through

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the highway surface drainage were known, so that had been rectified earlier this calendar year.

In reply to the input of a meteorologist and localised storms, Tim Marshall stated that very localised and more intense storms were scientifically documented as being associated with the impacts of climate change.

Councillor V. Driscoll asked a series of questions. His first was who was paying for the installation of flood alleviation measures for properties. In response, the Operational Manager advised that grant monies had been received from Welsh Government to cover the cost. There may be some works going into the new financial year, which may be covered by the Council's capital funding.

Councillor Driscoll queried the £2.9m associated costs for property level protection and asked how was that determined. The Operational Manager clarified that this related to any storm event and was purely the estimated cost if there was a full take up of flood resilience measures by residents. The Engineering Manager added that in terms of the high-level cost estimates, the £2,9m was based on the maximum number of properties. This was not the same the same as one big scheme to protect an entire community against the 100-year event. The standard protection for properties was based on a case-by-case basis, which would deliver protection measures such as barriers or walls. When previous protection measures were provided at property level, these usually included pumps inside properties as there was an assumption that some water will still get in. It was very difficult to completely waterproof a house.

Councillor Driscoll's final question was if the Council was successful in obtaining the £2.9m grant, would that affect chances of getting any other works. In being invited to reply, Tim England stated that he could not categorically answer that, but when the funding announcement was made, it was emergency funding predominantly associated with flooding events and storm Dennis.

Councillor M. Morgan, commented on those areas affected by other recent flooding events which did not meet the threshold for a Section 19 report. For example, flooding in Peterson-Super-Ely, could lead to 120 properties being cut off from the Emergency Services. In reply, the Operation Manager advised that as the Local Flood Authority, the Council would not just investigate Section 19 events. Issues would be investigated even if they did not trigger a Section 19 report. The Engineering Manager added that the Council could also make capital bids to Welsh Government for other schemes not specifically related to a Section 19 report. However, a scheme could not be promoted based on highway flooding alone, as this was against Welsh Government priorities.

Following a query regarding the distribution of sandbags, the Operational Manager advised that the Council encouraged people to ensure that they had an appropriate stock of sandbags. There was a new Council policy relating to this which would be circulated to Members.

Councillor G. John commented that the installation of flood gates had benefited the residents of Llantwit Major. The Operational Manager confirmed that flood gates was one of the measures being offered through Property Level Protection.

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At present, the Council was undertaking survey work in order to put together a business case.

In closing the debate, the Chair thanked the representatives from NRW, and it was

RECOMMENDED

(1) T H A T the contents of the presentation relating to flood alleviation schemes being undertaken across the Vale of Glamorgan be noted.

(2) T H A T the contents of the presentation relating to the Section 19 Flood Investigation Report be noted.

Reason for recommendations

(1&2) Following consideration of the contents of the presentations and discussions at the meeting.

859 NATURE EMERGENCY – DELIVERING THE COUNCIL'S ACTION PLAN (REF) -

The Head of Regeneration and Planning present the reference from Cabinet on 20th December, 2021.

The report detailed the proposed governance arrangements for dealing with the declared Nature Emergency. As part of these governance arrangements a Local Nature Action team had been established to take forward the actions necessary to address the emergency and feed into the Climate Change Challenge Plan and an initial project plan had been developed.

The team of senior officers had met and considered the challenges and associated steps necessary and would report back to the Project Zero Board, chaired by the Managing Director.

The Biodiversity Forward Plan agreed by Cabinet in September 2019, along with the related Nature Recovery Action Plan would form the basis of the Council's response to the emergency and would support and enhance the work of the Local Nature Partnership in working with the local community.

Having considered the report, it was

RECOMMENDED – T H A T the contents of the report be endorsed.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.

No.

860 DRAFT PUBLIC PARTICIPATION STRATEGY (REF) -

The reference from Cabinet on 24th January, 2022 was presented.

The Head of Policy and Business Transformation in conjunction with the Communications Manager, presented the report which outlined that the Vale of Glamorgan Council was committed to engaging residents and other key stakeholders in decision making.

'Working with and for our communities' is one of the four objectives set out in the Corporate Plan 2020-25. The Council had previously published a Public Engagement Framework.

Part 3 of the Local Government and Elections (Wales) Act 2021 focuses on promoting access to local government. The Act establishes a duty to encourage local people to participate in decision-making and a requirement that local authorities publish, consult on, and regularly review a public participation strategy. The Act stipulates the strategy must address:

- Promoting awareness of Council's functions
- Promoting awareness of how to become a Councillor
- Facilitating access to decisions made or to be made
- Promoting and facilitating processes for local people to make representations to the Council about a decision

In order to set out clearly to the Vale of Glamorgan citizens how the organisation was working to improve public participation, and to ensure the Council meets the requirements of the Act, a draft Public Participation Strategy 2022-25 had been produced. This was attached at Appendix A to the report, with an associated Action Plan attached at Appendix B.

In being asked to consider the draft strategy, the Scrutiny Committee made the following observations:

- There needed to be alternative systems in place, to engage and consult with those citizens who did not have access to a computer or electronic means.
- The Council should issue more press releases through the local newspapers.
- There were difficulties when it came to attracting people to participate and respond to consultation activities, so was there a role for Vale Councillors and could Town and Community Councils be of assistance to raise awareness with residents.

It was agreed for the Committee's comments to be forwarded to the Head of Policy and Business Transformation.

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RECOMMENDED – T H A T the comments of the Scrutiny Committee be forwarded to the Head of Policy and Business Transformation as part of the consultation process.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.