

## **COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a meeting of the Communities Scrutiny Committee held by video conference on Thursday, 10 December 2020 at 10.00 am.

### **PRESENT**

Councillors Brian Blakeley, Rachel Flynn, Tina Jones, Merfyn Parry, Anton Sampson, Andrew Thomas, Graham Timms (Vice Chair), Cheryl Williams and Huw Williams (Chair)

**Cabinet Members** – Councillors Brian Jones, Lead Member for Waste, Transport and the Environment and Mark Young, Lead Member for Planning, Public Protection and Safer Communities

**Observers** – Councillors Meirick Davies, Hugh Irving, Arwel Roberts, Peter Scott and Emrys Wynne

### **ALSO PRESENT**

Head of Legal, HR and Democratic Services (GW), Head of Highways, Facilities and Environmental Services (TW), Head of Planning and Public Protection (EJ), Flood Risk Manager (WH), Section Manager – Network Management (TT), Strategic Planning and Housing Manager (AL); Scrutiny Coordinator (RE) and Committee Administrator (KEJ)

**Natural Resources Wales (NRW) Representative** – Keith Ivens

**Dŵr Cymru Welsh Water (DCWW) Representatives** – Simon Cowan & Martin Williams

The Local Democracy Reporter was also in remote attendance to observe proceedings.

### **POINT OF NOTICE**

Due to the current restrictions on travel and requirement for social distancing as a result of the coronavirus pandemic the meeting was held remotely by video conference and was not open to the general public. All members had been given the opportunity to attend as observers and the Local Democracy Reporter had also been invited to observe.

#### **1 APOLOGIES**

Councillor Mabon ap Gwynfor

Corporate Director: Economy and Public Realm (Head of Legal, HR and Democratic Services would be deputising at the meeting)

#### **2 DECLARATION OF INTERESTS**

No declaration of interests had been raised.

### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

### **4 MINUTES**

The minutes of the special Communities Scrutiny Committee on 5 October 2020 and the Communities Scrutiny Committee on 22 October 2020 were submitted.

#### **(a) Special Communities Scrutiny Committee (5 October 2020)**

No accuracy points or matters arising.

#### **(b) Communities Scrutiny Committee (22 October 2020)**

**Item 5 Impact of Ruthin Primary Review (page 20)** – Councillor Merfyn Parry clarified that the information report he requested related to the results of a community impact assessment on the communities of Rhewl and Llanynys following the closure of Ysgol Rhewl. He advised that the former Head of Education and the former Head of Modernising Education had promised to undertake the community impact assessment when the decision was taken to close the school. The Scrutiny Co-ordinator agreed to make enquiries in relation to that report.

**Item 7 North East Wales Archives and Ruthin Gaol (pages 22/23)** – The Chair registered his disappointment that the Corporate Director had to get involved before the link to the on-line survey on the County Conversation Portal on the North East Wales Archives Service was circulated to county councillors following the Committee's request for that to be done forthwith for the purpose of promoting public engagement with the consultation exercise. The Committee requested that the Head of Legal, HR and Democratic Services seek an explanation as to the delay and to impress on Heads of Service the importance of responding to Committee requests and reporting back to members on the outcomes of any enquiries in a timely manner.

Councillor Meirick Lloyd-Davies enquired whether the final bullet point in relation to the language policy should be incorporated as part of the Committee's recommendation. The Scrutiny Co-ordinator advised that the language policy would form part of the formal partnership/Service Level Agreement for the joint service and advised that if the Committee wished to amend the recommendations in the minutes to include a recommendation in relation to the language policy it could do so at the current meeting. No Committee member formally requested that they be amended.

**RESOLVED** that –

- (a) *the minutes of the special meeting held on 5 October 2020 be received and approved as a correct record, and*

- (b) *subject to the enquiries requested being pursued and reported back to members, the minutes of the meeting held on 22 October 2020 be approved as a true and correct record.*

Agreement on the recommendation was by consensus. No formal vote was taken. The recommendation to approve was proposed and seconded. All members indicated they were in favour of the recommendation, no one indicated they were against it and no one indicated they wanted to abstain.

## **5 FLOOD RISK MANAGEMENT ACROSS DENBIGHSHIRE**

The Chair welcomed everyone to the meeting including Simon Cowan and Martin Williams, Dŵr Cymru Welsh Water (DCWW) and Keith Ivens, Natural Resources Wales (NRW) for the discussion on flood risk management across Denbighshire.

Councillor Brian Jones, Lead Member for Waste, Transport and the Environment and the Head of Highways, Facilities and Environmental Services introduced the item. It was explained that a report on the Rhyl Cut and Prestatyn Gutter Study due to be discussed at the meeting had been delayed and re-scheduled for May 2021. The investigations into the February 2020 flood events and subsequent effect of the Covid-19 pandemic had impacted NRW's capacity to progress the work required to complete the study. It was noted that the investigation report into the February 2020 flood events would likely be available by the end of February 2021. Councillor Jones advised that the council was proactive in flood risk management across the county and drew attention to the work undertaken on coastal defence schemes and highlighted that Denbighshire had recently been awarded £1m (100%) grant funding from Welsh Government to progress a Natural Flood Management Project.

The report by the Flood Risk Engineer (previously circulated) was submitted which outlined flood management and mitigation measures to deal with all types of flood risks county-wide. Those measures included work with public and private partners and landowners, engineering projects and land management activities, with a view to reducing the risk of flooding and combating the effects of climate change. The report also included details of the work the Planning Department was undertaking in relation to flood mitigation as part of the planning process.

Specific reference had been made to the following –

- different authorities had responsibility for different areas of flood risk management – Denbighshire County Council (DCC) in relation to surface water and ordinary watercourses and coastal erosion risk; Natural Resources Wales (NRW) in relation to main rivers and the sea, and Dŵr Cymru Welsh Water (DCWW) in relation to public sewers. Anyone who owned land next to a river, stream or ditch also had responsibilities as a 'riparian landowner'. The council worked with other flood risk management authorities, as well as developers and landowners, to seek opportunities to better manage and reduce flood risk
- the Flood and Water Management Act required Welsh Government (WG) to have a national strategy for flood and coastal erosion risk management – WG published its first national flood strategy in 2011 and recently published its new strategy in October 2020. The Act also required the council, as the lead local

flood authority, to have a strategy for local flood risk management focused on surface runoff, groundwater and ordinary watercourses – the council published its local strategy in 2014 which was required to be reviewed by December 2022

- the council considered flood risk when assessing planning applications with particular reference to planning policy Technical Advice Note 15. A Strategic Flood Consequence Assessment had been commissioned in support of the Local Development Plan (LDP) 2006 – 2021 which considered the implications of flood risk for key elements identified in the LDP. In 2019 the council became a Sustainable Drainage Systems Approving Body (SAB) with responsibility for approval and adoption of surface water drainage on new developments
- since 2003 the council had invested around £41m of WG grant and council match funding to reduce flood risk for around 4000 homes and businesses in the county. However around 15,200 properties were still at risk of flooding from the sea, rivers and surface water. A programme of potential schemes had been identified to reduce risk for a further 4,750 properties, including 1650 at East Rhyl which would be protected by a coastal defence scheme currently underway
- in February 2020 Denbighshire had been impacted by storms Ciara, Dennis and Jorge. NRW's post event analysis found most rain gauges in the region recorded over 200% of their February long term average. Storm Ciara in particular created a worse than 1 in 200 year rainfall event with most river flood defences in Denbighshire providing protection against at most a 1 in 100 year rainfall event. Flooding occurred at a number of locations, mainly due to overtopping of main river flood defences such as in St. Asaph. As the lead local flood authority the council had a duty to investigate but because the source of flooding was main river, it was agreed that NRW was best placed to lead the investigation. The flood investigation report would likely be complete by the end of February 2021.

Members were advised that it would never be possible to eradicate flooding in Denbighshire but it was important to reduce the risk of flooding as far as possible and the impact of climate change made the management of flood risk more difficult. The council had a good track record delivering large flood risk infrastructure projects, most recently in East Rhyl and great success in securing funding for smaller schemes. Given the council's environmental ambitions to combat climate change the recent £1m secured for catchment area work (Natural Flood Management Project) was particularly welcomed and the Flood Risk Engineer was congratulated and thanked for his efforts in that regard. It was accepted that many areas of the county experienced flooding, including in February 2020, and further discussions on the next steps would take place following completion of the flood investigation report early next year.

Keith Ivens (NRW) and Simon Cowan (DCWW) introduced themselves and provided an overview of their respective roles and responsibilities in relation to flood management within their organisations together with their links with other stakeholders/partners. Mr Ivens reported upon work undertaken during the year including feeding into the WG's national flood strategy and reviewing the issues around the communities affected by the February 2020 floods (including St. Asaph where the flood defence scheme had performed well given the scale of the event but recognising that flooding had still occurred albeit to a lesser extent) and the findings would be included within the flood investigation report due for completion in

February 2021. An update was also provided in terms of progress with the Rhyl Cut and Prestatyn Gutter Study including reviewing the maintenance programme of those two channels and directing repair works following the February 2020 floods. It was anticipated that the study would be completed and available to members during February/March 2021. NRW was also looking at the viability of options for a potential flood risk management scheme which would be developed as a strategic outline case to be progressed in the medium term 2021 – 2026. Finally reference was made to the impact of climate change with modelling work on predictions to assess performance of current flood defences in communities such as Ruthin and whether any works were required to maintain and improve resilience in the future. Mr Cowan reported upon his focus on the Clwyd catchment and understanding how business drivers linked in with the NRW Area Statement Process to align them to business drivers and customer needs. He looked forward to collaboration with the council on the Natural Flood Management Project as work developed.

During the ensuing debate members took the opportunity to raise questions and discussed various aspects of the report and flood related issues with the officers and representatives present. Main discussion points focused on the following –

- NRW elaborated upon the statistical analysis of data available to determine and predict flood risk and reported upon the monitoring network of river gauges with readings taken every 15 minutes to calculate the probability of a flood event. A 1:100 year flood event equated to a 1% chance of flood happening in any one year with 1:200 year flood event equating to a 0.5% chance, so although a flood event could still happen the probability reduced. The impact of climate change over time on the frequency and intensity of flood events was also highlighted
- with regard to the reliability of data evidence and flood predictions and the language used to relay information, NRW explained that the river levels gauging stations were subject to a maintenance programme with data quality assured and the statistical analysis itself was of industry standard. However no prediction would be 100% accurate but provided an indication as to the scale and frequency of events and the accuracy rate would improve with time as more data was collected. NRW were conscious of the language used and were trying to move to a statistical way of explaining the chance of flooding in every year
- the Flood Risk Manager explained that the conclusion in the Local Flood Risk Management Strategy that there was no significant risk of flooding in the county had been based on national criteria set by Welsh Government (WG) with the measurement of flood risk not meeting the national threshold set. No wards in North Wales had been defined as at significant flood risk and the basis of the calculation had been questioned by local authorities across the region
- in terms of prioritising investment to those at risk of flooding the WG's preferred approach was to consider schemes to protect several properties which would provide better value for money in terms of investment than individual isolated properties. Grants had been secured to protect some properties in Rhuddlan at risk of surface water flooding where there was no other option and circumstances were considered on a case by case basis
- the Strategic Planning and Housing Manager advised that flood risk was taken into account when forward planning (replacement LDP) and dealing with planning applications – in both cases guided by WG policy and advice in which it was clear a cautionary approach should be adopted. Development advice maps

on flood risk areas were used and details of the relevant categorisations were provided together with Technical Advice Note (TAN) 15 on flood risk. The Strategic Flood Consequence Assessment provided more detail of flood risk areas in the county. New flood risk maps and TAN were expected in the spring which would inform future decisions. Councillor Rachel Flynn queried whether it was appropriate to grant planning permissions in those areas pending the latest policy/guidance and Councillor Mark Young referred to the complexities of the issue and offered to discuss the issue further outside the meeting

- Councillor Merfyn Parry voiced his frustration over the lack of progress in Llanynys and problems experienced in that area, including with regard to riparian landowners and difficulties in carrying out necessary works, and he was keen for all to work together to find solutions. He was also unhappy with the approach taken to prioritise investment in areas with more properties. Officers acknowledged the report did not include reference to specific local areas but those issues would be included in February's flood investigation report for debate at that time. The responsibilities of each authority had been set out in the report for clarity and assurances provided that they worked closely together and work was still ongoing to find the root cause of the flooding problems in Llanynys. The responsibility of riparian landowners was clarified and the process to be followed to ensure work proposed did not cause detriment or increase flooding elsewhere which in some cases required a flood risk activity permit and further details were provided in that regard. Councillor Parry responded that some conditions imposed created a barrier to carrying out the flood management work and he offered to provide further details outside of the meeting. The lack of applications submitted to carry out such work and investigations into work carried out without the necessary permission was also noted as a potential indication that the issue may benefit from further scrutiny. The Chair suggested the Committee may wish to establish a task and finish group for that purpose with representatives from other scrutiny committees. NRW and DCWW Representatives confirmed they would be willing for their organisations to contribute to a task and finish group.

The Chair opened the debate to non-committee members and Councillors Meirick Davies, Arwel Roberts and Emrys Wynne reported upon flooding experienced in their local areas and Councillor Peter Scott referred to the specific issues in St. Asaph and pinch points which required addressing. NRW and officers responded to some of the individual issues raised and also to questions as follows –

- in terms of clearing rivers NRW had an annual costed maintenance programme based on risk. An assessment would be made of any reports of debris and work undertaken if there was an immediate flood risk. The maintenance programme was published on NRW website and it was agreed that a link to that information be emailed to members outside of the meeting
- Councillor Mark Young advocated better communication between the Sustainable Drainage System Approving Body and local ward members and at his request, the Head of Legal, HR and Democratic Services agreed to ascertain whether it would be appropriate for members to be on that Body
- NRW confirmed that they were consulted on planning applications in relation to flood risk areas and submitted their views as part of that process

- members were pleased to note the £1m WG grant funding secured for the Natural Flood Management Project and catchment area work. The project was in its early stages of development with four locations identified and a consultant was currently being procured to progress that work on behalf of the council – it was agreed that an information report be circulated to members when it was known what the project work would entail
- officers reiterated that the flood risk maps and TAN 15 were being updated with the expectation that they would be published in the spring 2021. The current mapping used for decision making on planning applications had been updated quarterly since 2017 and when available the new maps would be used for that purpose and to inform the replacement LDP moving forward. It would be difficult to ascertain the amount of current Denbighshire housing which would not have been permitted under the current system given the flood risk maps had changed over the years and a specific date would be required. When developing flood defence schemes to protect properties both historic flood risk and future predicted flood risk were considered.

The Chair brought the debate to a close and thanked NRW and DCWW for their attendance and contributions and also members and officers present. Councillor Graham Timms summed up the Committee's proposed recommendations.

After a final discussion on the proposed recommendations the Committee –

**RESOLVED** that –

- the Council's current and planned flood risk management activities fulfilled its responsibilities in relation to flood risk legislation, and that it used its permitted powers effectively to carry out flood and coastal defence improvements:*
- the Council was taking sufficient measures to work effectively with landowners, developers and other risk management authorities to manage flood risk in Denbighshire;*
- the Council was delivering the outcomes and measures set out in the Local Flood Risk Management Strategy;*
- the respective Member Area Groups should be engaged with in relation to the design and development phases of the Central Rhyl Coastal Defence Scheme and the Central Prestatyn Coastal Defence Scheme during the course of the next 12 months and that the conclusions of this phase of the scheme be reported back to the Committee in due course;*
- a task and finish group be established to examine methods to further strengthen interaction and working relationships between public flood risk management authorities and riparian landowners across the county with a view to improving each other's understanding of their responsibilities in relation to ensuring the unobstructed flow of water through the land they manage, and*

- (f) *the reports on the flood management proposals for the Rhyl Cut and Prestatyn Gutter, along with the report on the investigation into the February 2020 flooding in Denbighshire be presented to the Committee as soon as they became available.*

Agreement on the recommendation was by consensus. No formal vote was taken. The recommendation to approve was proposed and seconded. All members indicated they were in favour of the recommendation, no one indicated they were against it and no one indicated they wanted to abstain.

## **6 SCRUTINY WORK PROGRAMME**

The Scrutiny Coordinator submitted a report (previously circulated) seeking members' review of the Committee's work programme and provided an update on relevant issues.

Discussion focused on the following –

- the items listed on the forward work programme for the next meeting on 21 January 2021 were reaffirmed
- the Rhyl Cut and Prestatyn Gutter Study had been scheduled for the meeting on 13 May 2021 but would be brought forward if available earlier
- the extra meeting scheduled for 4 February 2021 to consider the Waste and Recycling Service Remodelling Project was no longer required and all aspects of the project would be reported to the Committee in May 2021 as originally planned
- members were asked to submit any proposal forms regarding topics for scrutiny before the next scheduled meeting of the Scrutiny Chairs and Vice Chairs Group on 21 January 2021, and
- reference was made to the information brief circulated to members ahead of the meeting enclosing the information reports requested by the Committee.

***RESOLVED*** that, *subject to the amendments and inclusions to the draft forward work programme proposed during the meeting to confirm the Committee's Forward Work Programme.*

Agreement on the recommendation was by consensus. No formal vote was taken. The recommendation to approve was proposed and seconded. All members indicated they were in favour of the recommendation, no one indicated they were against it and no one indicated they wanted to abstain.

## **7 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

No reports from committee representatives had been received.

The meeting concluded at 12 noon.