

COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of the Communities Scrutiny Committee held by video conference on Thursday, 21 October 2021 at 10.00 am.

PRESENT

Councillors Hugh Irving, Tina Jones, Merfyn Parry, Peter Scott, Glenn Swingler, Graham Timms (Vice-Chair), Cheryl Williams and Huw Williams (Chair)

Councillor Brian Jones - Lead Member for Waste, Transport and the Environment

ALSO PRESENT

Head of Legal, HR and Democratic Services (Monitoring Officer) (GW), Flood Risk Engineer (WH), Head of Highways and Environmental Services (TW), Scrutiny Coordinator (RhE), Democratic Services Officer (KE), Committee Administrators (SJ, Host) (RTJ)

Natural Resources Wales Officers – Daniel Bryce-Smith, Paula Harley and Keith Ivens.
Councillor Anton Sampson

1 APOLOGIES

No apologies for absence were received.

2 DECLARATION OF INTERESTS

No declaration of interests were raised.

The Head of Legal, HR and Democratic Services advised the Committee that corporate support for the Committee would, following the appointment of the former Corporate Director: Economy and Public Realm to the role of Chief Executive, be provided by himself and the Head of Finance/Section 151 Officer on an alternate basis until further notice.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised with the Chair prior to the meeting.

4 MINUTES

The minutes of the Communities Scrutiny Committee held on 9 September 2021 were submitted.

Matters arising –

Councillor Merfyn Parry queried whether there was an update to the Wildflower Meadow Project and whether there was going to be any further debate on the matter. The Scrutiny Coordinator informed Councillor Parry that the matter was

included on the forward work programme for September 2022, however would communicate with officers and see if a written report could be circulated to members of the committee.

RESOLVED that the minutes of the meeting held on 9 September 2021 be received and approved as a correct record.

5 SECTION 19 FLOOD INVESTIGATION REPORT INTO THE FLOOD EVENT ON 20TH JANUARY 2021

The Lead Member for Waste, Transport and the Environment alongside the Head of Highways and Environmental Services and the Flood Risk Engineer presented the 20th January 2021 Flood Event – Section 19 Flood Investigation Report (previously circulated).

During their introduction they explained that between 18th and 20th January 2021, Storm Christoph brought strong winds, heavy rain and snow, with the most intense rainfall occurring over North Wales and northern England, bringing localised flooding to many areas. The Met Office reported that 50 to 100mm of rain fell widely across Wales and north-west England, with over 100mm across upland areas of Wales. Denbighshire experienced the effects of this Storm, with heavy and prolonged rain flooding around 67 homes and 6 businesses on the 20th January. The majority of the flooding was from main river sources. Natural Resources Wales (NRW), as the relevant flood risk management authority for main rivers, had carried out its own flood investigations. NRW's flood investigation reports were included as appendices to the overarching investigation report.

Denbighshire County Council, as a Lead Local Flood Authority, had a duty under Section 19 of the Flood and Water Management Act to investigate flooding in its area.

The purpose of the investigation report was to address the following key questions:

- Why did the flooding happen?
- How likely it was for that scale of flooding to happen again?
- What improvement actions were needed to ensure flood risk in the County was appropriately managed in future?

Prior to commencing the discussion, the Chair advised the Committee that the Flood Risk Management and Riparian Land Ownership Task and Finish Group, which was currently examining flood matters and land ownership issued had realised that these were extremely complex areas. Organisations such as NRW and the Council were risk management authorities, however they were very rarely the landowners whose responsibility it was to ensure the maintenance of rivers and watercourses that traversed their land.

In response to Committee members' questions the following details were provided:

- NRW officers clarified that landowners as riparian owners were responsible for maintaining rivers within their land boundaries. Denbighshire County Council

- (DCC) and NRW were flood risk management authorities, with NRW being responsible for main rivers and larger watercourses and DCC being the risk management authority of ordinary watercourses.
- NRW and DCC could use their powers to carry out works on waterways for the purpose of alleviating potential flood risks. If a landowner wished to carry out work they were legally allowed to, however this work would need to ensure there was no detrimental effect on nature, the river's ecosystem or on other people. Flood Risk Activity Permits (FRAPs) would be required prior to any works being carried out.
 - It was noted that Llanynys had been omitted from the report, the local member requested that Llanynys be included in the report, as he did not want the village to be miss out on any potential future flood risk alleviation work.
 - Reference had not been included in the report to the loss of Pont Llannerch as the report dealt with the effect of flooding on properties. However, this did not in any way diminish the impact the loss of the bridge had on the communities it served, or on the wider transport network in the county. A public consultation exercise on the development of a replacement transport link had recently closed and the results were currently being analysed.
 - Officers confirmed they had received funding from Welsh Government (WG), to look at natural flood defences, this would hopefully develop over the next couple of years. However, it was stated if the natural defences were highly saturated then the impact of lessening flooding would be minimal.
 - Confirmed that drainage problems were not the cause of the flooding in the Clwyd Street area of Ruthin. The flooding was due to a mass volume of water which no flooding defence scheme could have stopped. Drains and gullies were regularly cleared. Highways drainage systems were inspected and cleaned at least once a year, however problem areas were cleared more frequently.
 - NRW had updated its flood risk modelling work on the Ruthin area following the January 2021 flood event. As a result it was currently applying for permits to undertake some further flood risk mitigation work in the area and work was scheduled to start the following work on the bund located at Cae Ddol.
 - NRW were exploring the possibility of including flood risk measures for the Rivers Ystrad at Brookhouse as part of a wider network review.
 - NRW and DCC officers agreed that neither organisation could continue to fight the forces of nature. The organisations as well as residents would need to find ways of working with nature, including educating residents on how to mitigate and manage their own flood risks.

Members registered their concerns in relation to the perceived lack of progress with the Old Gaol in Ruthin, and felt the repair work was not being prioritised. The site, which was a main tourist attraction, would likely not be back in operation until July 2022, midway through the next tourism season.

The Chair informed the Committee that residents/business owners of flooded properties in the Mill Street/Clwyd Street area of Ruthin had received a copy of the Section 19 Flood Investigation Report and had subsequently forwarded some questions for the Committee to ask on their behalf. The Vice-Chair read out the questions which related to the Council's flood risk management responsibilities, drainage related matters and an issue relating to a non-return valve situated close

to the Old Gaol. Officers advised that the issues regarding the Council's risk management responsibilities and drainage had already been explained during the discussion. The purpose of the non-return valve was to stop water from the River Clwyd from entering into the drainage system causing additional problems. The valve had operated as expected. The query relating to highway gullies being blocked had been dealt with during Stage 2 of the Council's Complaints Procedure and officers were not in a position to comment further at this stage as the matter may be referred to the Public Services Ombudsman for further investigation.

At the conclusion of an in-depth discussion it was:

RESOLVED: to –

(i) receive the findings and conclusions of the Section 19 January 2021 Flood Investigation Report; and to note the assurances given by Natural Resources Wales that the recommendations identified in its flood investigation reports would be carried out

6 FLOOD RISK MANAGEMENT RESPONSIBILITIES IN RELATION TO THE RHYL CUT AND PRESTATYN GUTTER

The Lead Member for Waste, Transport and the Environment, supported by the Head of Highways and Environmental Services (HHES) and the Flood Risk Manager presented the Flood Risk Management Responsibilities in relation to the Rhyl Cut and Prestatyn Gutter report (previously circulated) to the Committee. In addition to Denbighshire County Council officers three representatives from Natural Resources Wales (NRW) were in attendance for the discussion - Keith Ivens, Daniel Bryce-Smith and Paula Harley.

The report presented conclusions of the joint study, led by NRW, into whether improvements could be made to the management of the Rhyl Cut and Prestatyn Gutter, adjacent drains and sewers – a complex network of watercourses in the Rhyl and Prestatyn area, which comprised of natural watercourses, some of which had been modified as well as constructed waterways. The report also outlined each organisation's responsibilities in relation to flood management and flood mitigation.

Following the flooding that affected parts of Rhyl and Prestatyn in July 2017, NRW commenced a review of the hydrology, management and maintenance of Rhyl Cut and Prestatyn Gutter, which are classed as "main river" watercourses. Denbighshire County Council (DCC) and Welsh Water (WW) agreed to support NRW with the project, which would also hopefully provide a better understanding of how each organisation's assets interact, particularly during times of heavy rainfall.

The project was carried out in three phases.

- (i) Phase 1 which involved a flood risk modelling study, to give NRW a better understanding of the hydrology of the river catchments.

- (ii) Phase 2 that resulted in a catchment management report, which took a broad overview of the management of Rhyl Cut and Prestatyn Gutter and the areas surrounding the two watercourses.
- (iii) Phase 3 built upon the recommendations within the Phase 2 management report and involved discussions within NRW's operational maintenance teams to consider the impacts of maintenance within different sub-reaches of the watercourses. There was still some work to carry out in terms of producing a comprehensive maintenance and management plan and this would require a process of public and stakeholder consultation.

The Committee was shown a presentation by NRW officers outlining the work which had been carried out by NRW, DCC and WW. The first three stages had now been delivered, the findings of which would allow flood risk management teams to develop long term management and maintenance strategies.

The approach which was taken for the third phase was an evidence-based one using detailed hydraulic modelling. This work had included an assessment on the impact of channel vegetation (roughness), bed levels, and blockages at key locations. This has improved NRW's understanding of localised maintenance and informed efficient risk-based management techniques within each sub-reach.

During the third phase NRW had also been able to identify potential opportunities for capital interventions to reduce flood risk. It recognised the current risk of flooding to the communities of Prestatyn and Rhyl and has plans in place to undertake a full appraisal of options for improvement works, commencing with a Strategic Outline Case (SOC) in 2022.

During the ensuing discussion:

- members thanked officers for the work which had been carried out, however some felt that aspects of the work should have been carried out sooner.
- NRW confirmed that issues such as the maintenance of property gardens and walls and the need to safeguard debris etc, from entering or falling into the Rhyl Cut and causing blockages was a matter for the riparian landowners i.e. individual property owners. NRW were not the owners of the Cut, it had permitted powers insofar as to undertake work to mitigate the risk of flooding from the watercourse. For this purpose, NRW had access points at certain locations along the Cut to enable it to gain access to undertake the necessary maintenance work. This avoided the need for it to seek the agreement of multiple riparian landowners in order to undertake essential flood maintenance work.
- The Monitoring Officer confirmed that he would liaise with the Council's Legal Services Department to confirm whether the Council was a riparian land owner for any part of the Rhyl Cut or Prestatyn Gutter.
- NRW officers confirmed that the annual programme of flood maintenance work was carried out on both the Cut and Gutter from late August onwards, once the bird nesting season had ended. The maintenance worked commenced on the lower reaches working up towards the higher reaches

The Committee:

RESOLVED *subject to the above observations to:*

- (i) receive the contents of the report, appendices and presentation; and
- (ii) seek Denbighshire County Council officers to establish whether the Council itself was a riparian landowner for any part the Rhyl Cut or the Prestatyn Gutter.

7 SCRUTINY WORK PROGRAMME

The Scrutiny Coordinator (SC) 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 SC advised that there were three substantial items being discussed at the next meeting, members were asked whether they would be happy to hold the meeting in two separate sessions on the same day in order to facilitate the timing of the discussion on the Gypsy and Traveller Accommodation Assessment. Members agreed with this proposal.
- 5 additional items had been added to the Committee's forward work programme at the recent Scrutiny Chairs and Vice-Chairs Group meeting, details of which were included in the report.
- Councillor Merfyn Parry queried with the SC whether there was an update on the report that had been requested some time ago on the community impact of the closure of Ysgol Rhewl. The SC informed Councillor Parry the item was still on the forward work programme. The SC informed members that discussions were underway between officers from the Education Service and officers in the Business Improvement and Modernisation Service on how to progress this work.

RESOLVED: subject to the above comments and inclusions to confirm the Committee's forward work programme.

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

No feedback had been received by Committee members.

Meeting concluded at 11:45am