

Report to	Communities Scrutiny Committee
Date of meeting	10 March 2022
Presented by:	Councillor Huw O Williams, Chair of the Task and Finish Group
Report author	Karen Evans, Democratic Services Officer
Title	Flood Risk Management and Riparian Land Ownership Task and Finish Group

1. What is the report about?

1.1. The report attached as appendix 1 details the scope and findings of the Flood Risk Management and Riparian Land Ownership Task and Finish Group. It explores potential methods for strengthening communication channels and building effective working relationships between all parties and organisations that have responsibilities for managing flood risk from rivers and watercourses across Denbighshire.

2. What is the reason for making this report?

2.1. The purpose of this report is to update the Scrutiny Committee on activities of the Task and Finish Group and ask that the Communities Scrutiny Committee consider and agree the recommendations made.

3. What are the Recommendations?

- 3.1. That a Flood Risk working group comprising of the flood risk management authorities and land owner representatives continue to meet on an annual basis for an updated position on issues and expectations.
- 3.2. That the Local Flood Risk Management Strategy page be re-launched including:
 - 3.2..1. links to related Natural Resources Wales and Dŵr Cymru/Welsh Water web pages and
 - 3.2..2. explanation of the responsibilities of Flood Risk Authorities riparian land owners.
- 3.3. That working in partnership with Natural Resources Wales and Dŵr Cymru/Welsh Water a generic information leaflet/letter be created on the

responsibilities of riparian land owners and distributed to properties adjacent Rhyl Cut and Prestatyn Gutter.

- 3.4. That the report presented to Communities Scrutiny Committee, upon approval by the Committee, be translated and circulated to and Town, City and Community Councils for inclusion on their websites.

4. Report details

4.1. The Group identified that the responsibilities for where flood risk management lies for rivers and watercourses throughout Denbighshire are as follows:

- 4.1.1 Denbighshire County Council (DCC) and Natural Resources Wales (NRW) are flood risk management authorities defined by the Flood and Water Management Act 2010.
- 4.1.2 NRW are responsible for risk management relating to flooding of main rivers whilst DCC manage the risk of flooding to other ordinary watercourses – smaller rivers, ditches, drains, sewers and culverts etc. [Natural Resources Wales / Responsibility for rivers, streams, culverts, and canals.](#)
- 4.1.3 Dŵr Cymru Welsh Water (DCWW) are responsible for the public sewerage system in Denbighshire. DCWW manages 3 different types of sewers:
- Separate foul sewer system, which is usually gravity based and drained foul flows only
 - Combined sewer system that drains foul flows and surface water (the majority of drainage systems on older developments are combined systems); and
 - Adopted Surface Water System - this is a separate drainage system for surface water only (found on newer developments).
- 4.1.4 A land owner* whose property lies next to watercourses such as a river, stream or ditch is a 'riparian landowner'. Responsibilities of the riparian landowner include:
- maintaining river beds and banks,
 - allowing the flow of water to pass without obstruction and
 - manage their own flood risk.
 - Seeking approval from the relevant risk management authority prior undertaking works to any watercourse. Some water courses may be protected as a Site of Special Scientific Interest or Special Areas of Conservation.

*This includes the owner of dwellings and buildings adjacent or abutting a river, stream or other watercourse (this can be an individual householder whose garden or outside space is next to one of these waterways, not necessarily a person that owns a large parcel of farm or other types of land).

- 4.2. By far the largest group associated with flood risk management would be the riparian land owners. Whilst NRW, DCC and DCWW regularly work together sharing information and practices communicating with the riparian land owner, or their representative, is generally less common place.
- 4.3. The riparian land owner representatives - National Farmers Union (NFU), Farmers Union of Wales (FUW) and the Country Landowners Association (CLA) are happy to work with the flood risk management authorities and their members regarding the sharing of information in relation to their responsibilities and Flood Risk Activity Permits via features in Farming Wales, Farming Connect and Y Tir etc.
- 4.4. This still leaves a gap in communication reaching the majority of riparian land owners in Denbighshire. A concerted effort is needed to remind riparian land owners of their own flood management responsibilities. On this basis, with a view to reminding land and property owners of their responsibilities on at least an annual basis, the Task and Finish Group has formulated the recommendations contained in the attached report and is seeking the Committee's support for those recommendations.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. Devising workable solutions by fostering effective working relationships with landowners, residents and other public organisations would support the delivery of the Environment corporate priority by reducing the risk to life and property from flooding whilst also empowering residents, businesses and communities to become more resilient for the future.

6. What will it cost and how will it affect other services?

- 6.1. Costs associated with a leaflet drop to be sourced.
- 6.2. Assistance possibly required from the following service areas:
- ICT
 - Marketing and Communications
 - Biodiversity
 - Effects on the environment

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. A Well-being Impact Assessment is not required at this stage.

8. What consultations have been carried out with Scrutiny and others?

- 8.1. This Task and Finish Group was established by the Communities Scrutiny Committee.

9. Chief Finance Officer Statement

9.1. Any additional financial resources would need to be included in the budget proposals during the next budget cycle. Costs are likely to be small and should aim to be kept within existing resources.

10. What risks are there and is there anything we can do to reduce them?

10.1. No risks have been identified associated with the consideration of this report. The objective of the Task and Finish Group's work is to find practical solutions and effective working practices to reduce the risk to life and property in Denbighshire from flooding.

11. Power to make the decision

11.1. The Council has powers in relation of flood risk and drainage matters under the Flood and Water Management Act (2010) and the Land Drainage Act (1991).

11.2. The Committee's powers in relation to policy development and review and scrutinising the Council and other public bodies' performance are outlined in Section 21 of the Local Government Act 2000 and Section 7.4 of the Council's Constitution.