

Report to Safer, Cleaner, Greener Scrutiny Standing Panel

Date of meeting: 17th October 2011

Portfolio: Environment/Planning and Technology

**Subject: Environment Agency Consultation on
Managing Flood Risk in the Roding Catchment**

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Committee Secretary: Adrian Hendry (01992 564246)



Recommendations/Decisions Required:

- (1) To note the attached previous report presented to the Planning Services Scrutiny Standing Panel on 13th September 2011;**
- (2) To note the outcome of the discussions with the Environment Agency as per Recommendation 2 of the 13th September 2011 report;**
- (3) To affirm the Council's objection to the proposed strategy due to the potentially detrimental effects, in terms of flood risk, on:**
 - the residents of Epping Forest adjacent to the floodplain;**
 - individual properties and areas of land, including land owned by the Council; and**
 - ordinary watercourses within the district;**
- (4) To agree the attached formal response to the Environment Agency consultation;**
- (5) To agree that a copy of the formal response is made available to the affected town and parish councils listed in paragraph 1 of the 13th September 2011 report;**
- (6) To note that a further report will be submitted once the strategy is in place and the wider implications are known to the Council.**

Report:

1. Please refer to the previous report on this subject submitted to the Planning Services Scrutiny Standing Panel on 13th September 2011, which is attached to this report. The previous report outlines the Environment Agency's (EA) proposals and details our initial concerns about the strategy which will not be repeated in this report (**recommendation 1**).
2. Since the writing of the previous report officers have met with the EA to discuss the proposals and the Council's concerns in further detail, including the concerns raised by Members at the 13th September 2011 meeting. The EA has been able to answer some of the questions and it is now felt that there is sufficient information to enable a formal response to be submitted.
3. This report will summarise the outcome of the discussions and set out the basis for

the Council's formal objection to the proposals, for approval by this Panel. Also attached to this report, for this Panel's approval, is the Council's formal response to the consultation.

Summary of discussions with EA (recommendation 2)

4. A main concern of the Council is the increased flood risk to specific residents in or near the floodplain from the proposals. This is an acknowledged negative impact from the proposals and affects 15 properties within the district. Our discussions with the EA have shown that this concern remains, however the EA has indicated that the flood risk to these specific properties is less significant than initially modelled. The EA will definitely not be able to provide any financial assistance to these affected properties but will work closely with the owners to bid for any potential funding if the property meets the relevant criteria and will assist them during the transition to the proposed strategy.

5. Another concern was the increase in flood zone extents and the impact this might have on future development. Our discussions have shown that this will have less impact than initially considered and that the flood zones will not extend much further from the river than they currently do. In certain areas there may be a slight extension to the highest risk flood zone (flood zone 3) but this appears to be measured only in meters or tens of metres and should not have a significant impact on future development. Given the current information officers are now satisfied that this is not a major concern in the medium term.

6. Officers were always particularly concerned about the impact the proposals will have on the ordinary watercourses that flow into the River Roding. In most cases the EA has not taken this into account in their modelling or assessment and therefore this remains a valid concern. It is worth noting again that Loughton Brook and Cripsey Brook (and the ordinary watercourses the flow into them) will not be affected by the proposals and will continue to be maintained as they are currently. For other potentially affected ordinary watercourses they may be subject to increased flood risk. This could lead to resourcing impacts on the Council in terms of both financial and personnel as we are the authority responsible for overseeing ordinary watercourses. It may also mean that additional monitoring and enforcement will be required to be carried out by the Council.

7. Increased maintenance for riparian owners alongside the River Roding and its tributaries will remain a consequence of the proposal. Our discussions with the EA have shown that the maintenance currently carried out by the EA is significantly less than the public perception and little routine maintenance has been undertaken on the River Roding in recent years above the M25. The point still stands that there will be a greater responsibility and additional cost to the private property owner to look after their stretch of the Roding, once the EA withdraws their consideration of any maintenance.

8. The above point also applies to the two mile stretch of the Roding that is owned by the Council along the Roding Valley Recreation Area. Any future maintenance of the river or erosion control will become the sole responsibility of EFDC (where the Council is riparian owner). For greater than 1 in 50 year flood events the proposals should have a positive benefit in that area by reducing flood risk. The reduced flood risk is due to the Shonks Mill Flood Storage Area (FSA) holding back flood flows for large events and the slowing down of water upstream (from the lack of maintenance) also reduces flood risk on the river below the M25.

9. The proposed Shonks Mill FSA is a major element of the overall strategy but we have been advised that the EA has not yet secured the funding for this to proceed. The EA is unable to solely fund the entire project and will be actively seeking funds from those who will benefit from the scheme. The EA has been in contact with the landowners within the footprint area. The EA indicated that as the embankment will be built to the required standards it is not likely to fail and has stated that the three properties immediately downstream of the embankment will not be at a greater flood risk. Lorry movements and visual impacts are not

known at this stage as detailed design has not been completed but the EA has stated that affected parties will be fully consulted.

EFDC's objection to the proposals (recommendation 3)

10. After discussions with the EA it is evident that the proposals will still have negative impacts on the district. Officers recommend that the Panel objects to the EA proposals due to the potentially detrimental effects, in terms of flood risk on:

- the residents of Epping Forest adjacent to the floodplain;
- individual properties and areas of land, including land owned by the Council; and
- ordinary watercourses within the district.

11. A draft formal response to the consultation is attached to this report for approval by the Panel (**recommendation 4**). The draft response outlines the Council's objection and recommendations should the strategy proceed. It is recommended that this response is copied to the affected town and parish councils for their information (**recommendation 5**).

12. Should the EA strategy be approved and implemented it is likely that there will be resourcing implications for the Council. It is suggested that once the strategy is fully implemented or when these impacts are better understood a further report will be submitted dealing with resourcing impacts on the Council (**recommendation 6**).

Reason for decision:

Whilst the Council understands the need for sensible flood risk management, parts of the EA's proposed strategy have potentially adverse consequences for areas of the district, and it is therefore important that the Council responds expressing its concerns.

Options considered and rejected:

(a) Given the EA has carried out cost benefit analysis and its proposals are seen to benefit the majority of the catchment's public, the Council could support the proposals. As parts of the strategy will have a detrimental effect on some residents and areas of the district it is not considered to be in the best interests of the Council and its residents to fully support the consultations recommended approach.

(b) Not to respond to the consultation would result in the views of the Council not being incorporated into the decision on the implementation of the strategy.

Consultation undertaken:

None by the Council. The EA has undertaken various internal consultations, and with relevant councils and agencies, and with members of the public who could be directly affected by the proposals.

Resource implications:

Budget provision: Currently none – but as the Council is a riparian owner there would be a resource implication in the future if increased maintenance and work is required on the River Roding/ordinary watercourses.

Personnel: Currently none – but there could be a resource implication in the future if increased inspection and enforcement is required on any ordinary watercourse that may be impacted by the proposals.

Land: Has the potential to affect land owned by the Council.

Business Continuity and Corporate Emergency Plan reference:

If the strategy results in an increase in flood risk to some properties, then should a flooding event arise there could be additional pressure placed upon the Council to assist residents, through for example, the provision of sand bags, the Council's emergency response team or related support/advice.

Relevant statutory powers:

Land Drainage Acts

Planning and Compulsory Purchase Act 2004

Flood and Water Management Act 2010

Background papers:

13th September 2011 report to Planning Services Scrutiny Standing Panel

The EA's:

River Roding Flood Risk Management Strategy Strategic Environmental Assessment – Environmental Report October 2006;

River Roding Flood Risk Management Strategy Strategic Environmental Assessment – Environmental Report Addendum June 2011; and

Managing Flood Risk Consultation July 2011.

Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference: (if required) Yes