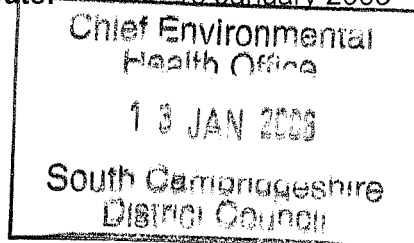


South Cambridgeshire District Council  
Cambourne Business Park  
Cambourne  
Cambridgeshire  
CB3 6EA

Our ref: Cov/TR/Jan06

Your ref:

Date: 10 January 2006



FAO Mr Patrick C. Matthews

Dear Sirs

**Re: Bank Raising, Covells Drain, Swavesey**

Thank you for your letter dated 9 January 2006. As requested I have enclosed a copy of a drawing Cov/TR/01 showing the sections of the east bank that the Agency requires to be lowered to a level of 5.6m. We are confident that this is the level required to bring the Swavesey cell back into the flood plain of the River Great Ouse. From a flood study report carried out for the Agency, by Atkins in 2003, the 1%(1 in 100 year) level for the Swavesey flood cell is 5.7 m, this equates to the flood line levels shown on the Agency Flood maps and to the flood line shown on your own 1838 AWARD maps for the area.

As you will see from the enclosed drawing the levels on both the west and east banks of Covells Drain from chainage 2.0km to 2.9km are at a similar level and it has been confirmed by the local farmers that this was the previous situation for the bank in question prior to the raising.

The level of 5.6m is required to allow the flood waters from the Great Ouse to enter into the Swavesey cell and reach a level of 5.7m to restore the lost volume of 350 000m<sup>3</sup>. Mr John Johnson has agreed to lower sections of his land to allow flood flows again from the north, which together with the bank lowering will reinstate the original flooding regime. It is important to have the original flood regime re-instated to ensure that conditions have not been made worse for anyone affected by water levels on the River Great Ouse flood plain. Until a fully modelled study of the area has been undertaken and the impacts of any works assessed it is not acceptable to raise any banks/defences, which may adversely impact on others. The study proposed by the Agency and now due to commence in the spring of 2006 should establish whether any improvements in the Standard of Protection within this area can be justified and if so, without making conditions worse for any other parties.

The Agency would be satisfied with existing material remaining behind the lowered banks to give further strength and stability and to give a higher standard of access for the Council's maintenance, providing any material is at or below the level of 5.6m.

I have also enclosed a copy of our 1998 survey map showing the 5.7m levels in dark red with lower levels in blue and the higher levels in the light brown colours. The majority of levels on the Covells Drain are in the region of 5.6/5.7m.

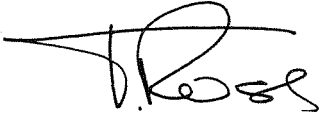


A further enclosed plan show the flood flow routes from the Great Ouse model which shows flood waters coming over Covells Drain and flows coming down from the north into the Swavesey flood cell.

I have passed your request regarding the Advisory Group meeting on to Andrew Mozley.

If you have any queries please contact me again.

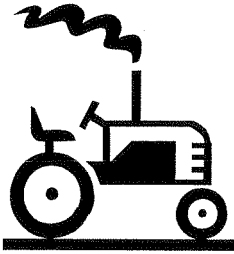
Yours faithfully

A handwritten signature in black ink, appearing to read 'T. Ross', with a horizontal line drawn through the top of the letters.

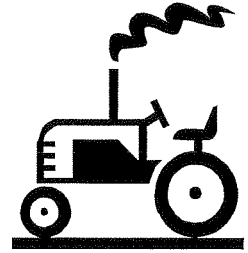
**TONY ROSS**  
**Development Control Team Leader**

Direct dial 01480 483960

Direct e-mail [tony.ross@environment-agency.gov.uk](mailto:tony.ross@environment-agency.gov.uk)



K. & P.J. Wilderspin



T/A J.F. Wilderspin & Son

Vat. No. 215 2653 86

Tel: 01954 230083  
Mob: 07850 599016  
Wilderspin@fenwillowfarm.freeserve.co.uk

Fenwillow Farm  
Cow Fen Drove  
Swavesey  
Cambs.  
CB4 5QQ

18.12.05

NOTES BY KEITH WILDERSPIN CHAIRMAN SWAVESEY I.D.B. ON  
FENDRAYTON PARISH COUNCIL LETTER TO COUNCILLOR DAPHNIE SPINK  
OF 6<sup>TH</sup> DEC 2005

Paragraph 1.

The banks have not been illegally raised. They were improved with the approval of S.C.D.C. ( letter from David Hussel S.C.D.C. To Collette Smyth, Cambridgeshire County Council 6<sup>th</sup> April 2005) S.C.D.C being the authority responsible for the drain and its banks.

Paragraph 2

- A) The Environment Agency has been well aware of the works since before they started even issuing a license for the storage of the material used. I have to question as to why they waited until the work was finished before voicing concerns.
- B) Fendrayton Parish Council have certainly not had contact with the I.D.B and possibly not with Swavesey Parish Council until this letter.
- C) S.C.D.C. do not consider that there is a significant extra flood risk to Fendrayton (letter from David Hussel to Colette Smyth 6<sup>th</sup> April 2005) neither did the E/A 's predecessor, nor S.C.D.C. (in 1975 letters to J.F.Wilderspin about works to follow and completed in 1976)

Paragraph 3

- A) The E/A asked for the HELP of S.C.D.C. in resolving the matter.
- B) If an offence has been committed by Mr Johnson or S.C.D.C. why have the E/A not used their own enforcement powers?
- C) The E/A in this case are acting in an advisory capacity.

Paragraph 4

- A) I am sorry if the facts put forward from Swavesey are seen as spin, for my part they are based on knowledge gained from many years of experience working with and to improve flood defence in the area including Fendrayton.

- B) I do not understand the calculation of 370,000 cubic metres of flood waters. I do enquire its significance as a percentage of water in the St Ives to Swavesey flood area and therefore effect on Fendrayton.
- C) I did not realize flood water can run uphill (Fendrayton being higher than Swavesey)
- D) I have studied the flood return maps of the Atkins St Ives to Earith Study and it would appear there is very little difference to the flooded area of farmland in Fendrayton between the one in ten and the one in one hundred year return periods whereas there is significantly more land flooded on the Swavesey side of Covills Drain between the one in ten and the one in one hundred year return. With regard to urban flooding it is obvious from the maps that far more damage to Swavesey will be sustained than will be the case in Fendrayton at a one in one hundred return period. This being the flood level needed to flood the areas of Fendrayton mentioned in the letter. In fact, it would appear to me, that a good cost benefit analysis could be made by the E/A to improve Swavesey from its one in twenty five years protection to one in one hundred year protection as was done at St Ives.
- E) There would surely be far more damage to the Fendrayton bank if a breach in the Swavesey bank was to cause faster flowing water.

Paragraph 5

- A) Swavesey has historically had flood protection from the River Ouse waters, with doors, banks etc. needed because of its lower elevation relative to Fendrayton. There is also evidence of this in correspondence regarding flood protection works carried out by the E/A's predecessors for Swavesey in 1976.
- B) If the E/A is convinced there is no greater risk to Swavesey with lowered banks contrary to the Atkins Fendrayton Lake Study they will surely offer S.C.D.C an indemnity as they will be able to prove their case against our overwhelming evidence otherwise.
- C) I fail to comprehend how dynamic water flow is improved by diverting water into an urban area, to arrive at a pump drained area, on a tortuous route back to the river.

Paragraph 6

- A) Litigation on S.C.D.C is likely to be a bigger threat from lowering the banks than from doing nothing. S.C.D.C's legal dept. advice to its Land Drainage Advisory Committee. This corresponds with my own legal advice and with advice given historically by legal opinions on the Swavesey Awards. This is leaving aside the correspondingly larger damage to Swavesey (see paragraph 4D)

Paragraph 7

- A) At which date pre 2002 should the bank levels be set? I would suggest that in the late 1970's, before they were lowered in the 1980's by S.C.D.C., in order to ease maintenance problems, the bank was at about the height it is now rather than the mythical levels proposed by the E/A.
- B) I can see no reason why the Fendrayton side should not be raised in the same way also putting it back to its late 1970's levels if this is what the land owners require. I have been informed by various sources, that S.C.D.C. have offered to do this in the past but that land owners turned it down. Perhaps to reinvestigate this is the way forward.

My Ref:  
Your Ref:  
Date: 10 January 2006  
Please ask for: Mr R Lafferty-Brennan  
Direct Dial No: (01223) 718583  
Fax No: (01223) 718537  
E-mail: [Raymond.Lafferty-Brennan@cambridgeshire.gov.uk](mailto:Raymond.Lafferty-Brennan@cambridgeshire.gov.uk)



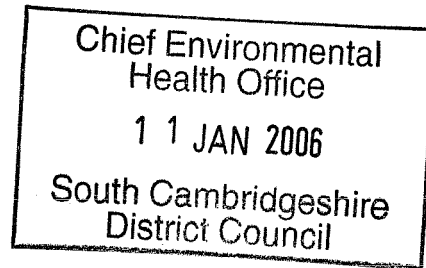
Cambridgeshire  
County Council

Mr P Mathews  
Drainage Manager  
South Cambs Distric Council  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
CB3 6EA

**Mark Vigor – Head of Strategic Planning**

Box ET 1011  
Shire Hall  
Cambridge  
CB3 0AP

DX 137870 CAMBRIDGE 9



Dear Mr Mathews

**RE-PROFILING AND GROUND RAISING INVOLVING THE IMPORTATION AND DEPOSIT OF INERT WASTE MATERIAL. LAND ADJACENT TO COVELLS DRAIN, SWAVESEY, CAMBRIDGESHIRE.**

I attended a site visit On the 4<sup>th</sup> January with Mr Scott-Cowley, Mr R Johnson and Mr A Johnson and was given the opportunity to listen and see their concerns in relation to the nature of the material used as part of the works undertaken to raise the bank on the Swavesey side together with the potential associated implications of raising the bank in terms of the potential increased risk of flooding to the village of Fen Drayton.

I have written to Mr Scott-Cowley out lining the County's position and have enclosed a copy for your attention.

I would like to take this opportunity to ask that you take the concerns of the villagers of Fen Drayton and Mr R Johnson into consideration when coming to a final decision on this matter.

Yours sincerely

Raymond Lafferty-Brennan  
**Technical Support Assistant**



Your ref:  
My ref:

Date: 9<sup>th</sup> January 2006

Contact: Raymond Lafferty-Brennan  
Direct Dial: 01223 718197  
Fax: 01223 718583  
E Mail: Raymond.Lafferty-  
Brennan@cambridgeshire.gov.uk



Cambridgeshire  
County Council

Mr Scott-Cowley  
Fen Drayton Parish Council  
2 College Farm Court  
Fen Drayton  
Cambridgeshire County Council  
CB4 5SZ

Mark Vigor – Head of Strategic Planning  
Box ET 1011  
Shire Hall  
Cambridge  
CB3 0AP

DX 137870 CAMBRIDGE 9

Dear Mr Scott-Cowley,

**RE-PROFILING AND GROUND RAISING INVOLVING THE IMPORTATION AND DEPOSIT OF INERT WASTE MATERIAL. LAND ADJACENT TO COVELLS DRAIN, SWAVESEY, CAMBRIDGESHIRE.**

Thank you for sparing the time to meet me the other day. The meeting was a useful opportunity to understand in greater detail your concerns regarding the nature of the material used as part of the works undertaken to raise the bank on the Swavesey side together with the potential associated implications of raising the bank in terms of the potential increased risk of flooding to the village of Fen Drayton.

Following the meeting, I have cross-referenced the specific areas of concern that were identified with the boundary of the waste planning application, which is currently before the County Council (as the relevant "Waste Planning Authority"). This application, as you know, is seeking retrospective planning approval for the re-profiling and ground raising of land within the confines of the application area identified on the attached plan (i.e. material deposited 15m away from the front face of the bank). It would appear from my assessment, however, that your concerns relate more specifically to the type of material used, height and construction of the bank itself rather than the material associated within the waste planning application area. Please contact me again if I have misunderstood the position.

Pollution and flooding concerns in respect of the works to the bank itself are matters being actively considered by the appropriate authorities involved (i.e. South Cambs District Council and the Environment Agency). I am aware that the District Council's Land Advisory Drainage Committee has agreed, in principle, to lowering certain sections of the embankment as a remedial measure. I understand discussions between the Environment Agency and the District Council continue on this point.

Please note that I have sent a letter to the District Council and the Environment Agency requesting them to take into consideration the information and details collected as part of our recent meeting as part of the ongoing technical discussions and assessments being made by the two bodies.

With respect to the waste planning application, I can advise that the applicant has been requested to provide a detailed mitigation proposal for the consideration of the County Council by Friday 13 January 2006. It is possible that a further planning application would be required to seek planning permission for any "off site" mitigation that are proposed. Such an application would be subject to a fresh round of consultation. There is no certainty that an "off site" mitigation scheme will prove acceptable in terms of planning policy or environmental effects. Ultimately, if permission were refused for the waste application, the County Council would need to proceed to consider the grounds for enforcement action and potentially secure the removal of the material from the flood plain.

If you require any more information on the application, please contact my colleague Richard Wilkinson on 01223 718583.

I hope this clarifies the position and, one again, would like to thank you for contacting me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Lafferty-Brennan', with a long horizontal line underneath it.

Raymond Lafferty-Brennan  
Technical Support Assistant

**CC/** Cllr M Smith, Mr T Waddams (EA), Mr P Mathews (Scams DC)



# SWAVESEY INTERNAL DRAINAGE BOARD

**I. A. D. SMITH**  
B.A., Solicitor  
Clerk to the Board

Telephone: (01354) 653232  
Fax: (01354) 659619  
E-mail: meltonb@middlelevel.co.uk

**MIDDLE LEVEL OFFICES**  
**DARTFORD ROAD**  
**MARCH**  
**CAMBRIDGESHIRE**  
**PE15 8AF**

Our Ref: SW/14

18 October 2005

Dear Councillor Spink

Retrospective Application for Re-Profiling of Covells Drain Embankment & Ground Raising  
at Friesland Farm, Swavesey  
Planning reference S/00441/04/CW

I refer to the above matter, which was, of course debated at length at the recent Drainage Advisory Group Meeting, which I, together with the Chairman, attended.

Arising from the views expressed at that meeting, I have been asked to write to you to express the Board's very great concern at the decision adopted. While the Board appreciate the difficult decision faced and that the Committee were to seek an indemnity from the Environment Agency before proceeding with the work, the Board do feel that the decision failed to take account of the available evidence and to adopt the precautionary principle.

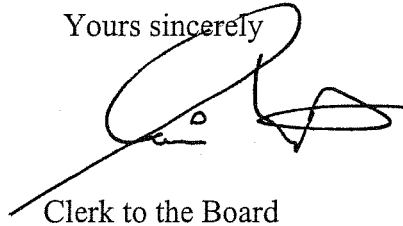
The reports commissioned by the Agency clearly demonstrate that Fen Drayton village is at risk of flooding after Swavesey and the removal of part of the bank of Oxholme Brook by and the failure of, the Agency to restore the bank of the Ouse to the appropriate height are all contributing causes to the problems being raised. It is unfortunate that the Agency were not present, to be questioned on why their position had changed so greatly since 1998, regarding the banks of Covells Drain or on the effect of their request. It was also unfortunate that, especially in the light of the evidence given by the Board's Chairman that old persons' properties would be placed at risk by the lowering of the bank, and the inconsistencies in the Agency's own reports, that your Council did not call for a proper flood risk assessment of the proposals or view them against the standard of protection recommended to be provided by the Covells Drain banks following the breaches of the banks in 1998.

The Board must therefore put on record that your Council will be held fully liable for any injury or damage to persons or property arising from your actions and that they note and are particularly concerned that the decision was taken despite the fact that no evidence was given to in any way contradict that of the Chairman, regarding the risk that would then arise to the old persons' dwellings.

Cont/d ....

I very much regret having to write to you in this way but you should, as portfolio holder, be left in no doubt as to the consequences of this decision.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a series of loops and a horizontal stroke.

Clerk to the Board

Cllr Mrs D S K Spink MBE  
c/o South Cambridgeshire District Council  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB3 6EA

# Fen Drayton Parish Council

c/o Fen Drayton Parish Clerk  
4 The Orchard  
Fen Drayton  
Cambridge  
CB4 5SN

T: 01954 231932

E: [parishclerk.fendrayton@ntlworld.com](mailto:parishclerk.fendrayton@ntlworld.com)

7<sup>th</sup> January 2006

Your ref: PCM/36089/1205

Councillor Daphne Spink, MBE  
South Cambridgeshire District Council  
Cambourne Business Park  
Cambourne  
Cambridge  
CB3 6EA

Dear Councillor,

Thank you for your letter dated 19<sup>th</sup> December 2005, which we read with concern and increased resolve.

From the tone of your letter the Parish Council are led to form the opinion that you are already in support of Swavesey. No doubt because much of the aforementioned "rhetoric and spin" from Cllr John Shepperson is having the required effect. I refer directly to this below.

Fen Drayton Parish Council continues to be alarmed at the lack of common sense, which is preventing this problem from being resolved. We stress that the Swavesey area is now protected by an artificially high bank their side of Covell's Drain, I emphasise the word "artificially." By removing the bank tops which were added by John Johnson and his contractor Mick George (c. 2002/2003) the flood plain would be restored. No part of Swavesey would be at any greater risk of flooding than it was prior to 2003. Certainly not to the extent of the 1947 floods as Messer's Shepperson and Wilderspin suggest, the 1947 flood is wholly irrelevant in this case. Fen Drayton is regularly flooded to "doorstep level," most recently in 2003 when the village became impassable, during these floods Swavesey remained largely unaffected except for water flowing across the Over Road. I have included several photos of the 2003 flooding in Fen Drayton; please note carefully the water level and use of sandbags by residents. Councillor, flooding to this extent simply does not take place in Swavesey, as the village is not bisected and surrounded by such volatile brooks and drains. The Parish council would ask you to consider how Fen Drayton is able to cope with the extra 370,000m<sup>3</sup> of flood water, which cannot now enter the Swavesey flood plain, in light of the water levels you can see in the photo's below.



*Fig 1. Fen Drayton High Street*



*Fig 2. Fen Drayton High Street*

The Parish Council would suggest that the claims made by Cllr Shepperson, either personally or on behalf of Swavesey Parish Council or IDB, that Swavesey, in particular "the Cherrytrees estate, will flood if the bank tops are removed" are false. We would suggest these claims are made as the resultant removal of flood plain, will no doubt increase the value of Mr Johnson's land and enable the extension of the Cherrytrees estate or further residential development. We are led to believe that Mr

Johnson has already applied for his land to be declassified as floodplain! Cllr Shepperson was fully aware of the work taking place at Covell's Drain as early as November 2002 when I telephoned him to discuss the subject. As a result I met Cllr Shepperson on the banks of the drain to emphasise my concerns in early 2003. His denial that neither he nor the Council knew anything about the raising of the banks is simply not true. We fear that because of this the Council could be seen in an increasingly dim light. To refer to Cllr Shepperson's letter, to you, dated 21<sup>st</sup> November 2005 several claims are made which plainly add to the "rhetoric and spin." In particular para's 8 & 9, where Cllr Shepperson poses the question "*Why did they [CCC & EA] not stop the work at the time it was taking place?*" I would ask you, to pose the same question to Cllr Shepperson – if he knew the work was taking place AND that local residents had concerns, why did he not seek to halt the work before this problem arose? Cllr Shepperson also states that "*to attempt now to return the flood plain it will require bank to be removed, and it will become the lowest point along the whole length of Covill's (sic) Drain. Each time there is a major flood water will cascade over the bank and erosion of the bank will take place.*" The Parish Council remain astonished by this statement and wonder why Cllr Shepperson seems to think that such a condition that now exists on the Fen Drayton side of Covell's Drain is acceptable, but not on the Swavesey side. Councillor Spink, this if anything highlights the 'protected' position Swavesey has placed itself, we are asking for the banks to be the same height on both sides, Cllr Shepperson's claim that the bank will be at its "lowest point" is incorrect.

The Parish Council are struggling to understand why the Environment Agency should provide any indemnity for Swavesey, as they are now in a falsely protected situation due to the increased height of the banks. No agency would have provided indemnity for Fen Drayton prior to the work taking place due to the obvious increase in flood risk. We must reinforce the point, that if the work had been properly approved there would not be different heights on each side of the bank and the resultant removal of active flood plain. To refer to your letter, para. 4 where you state that "...[the Council] would be at greater risk of compensation claims from residents of Swavesey if the bank were lowered at this point in time." We can assure you Councillor, that if the bank tops remain artificially high and Fen Drayton is flooded the level of compensation claims from residents and land owners of Fen Drayton will far exceed those you predict from the residents of Swavesey – as I have explained above Swavesey remains largely dry during times of flood.

We find the Councils opinion of the Environment Agency and the expert advice they offer extremely arrogant, suggested in my first letter, is the Council prepared to "flout the authority of the Environment Agency?" You may not be aware Councillor, but this issue is being watched on a much wider scale than just the locality, if the Council chooses to ignore the advice of the Environment Agency and allows the bank tops to remain, a precedent will have been set. A precedent which many land owners and farmers are waiting for in order to protect their own land and property from flooding. The wide spread illegal development that will take place is sure to have significant impact on the flood regimes, no doubt significant compensation claims will follow as a result of flood damage.

Fen Drayton Parish Council must reinforce the point that the work carried out to Covell's Drain has taken place without planning permission, without the consultation of any other agency and without the consultation of any of the surrounding Parish Councils or land owners. Even to the lay observer the situation is clearly not one that would have been approved and remains wholly illegal in terms of planning law. At a

grass roots level the illegal work has had a much wider impact; evidence is emerging to indicate that the material used to reinforce the banks is comprised of unscreened waste including brick, rubble and concrete not to mention other brown field pollutants. Whilst the work was being carried out three cars were written off on the Fen Drayton road as a result of the mud left by the contractor's vehicles. We ask you once again Councillor; is this a situation that would have been allowed to occur and remain if all the correct processes were followed?

To fully resolve this situation Fen Drayton Parish Council will require the removal of the excessive bank tops on the Swavesey side of the drain, and proportionate reinforcement of the bank to take place on the Fen Drayton side. Equal height and reinforcement on each bank will comply with both the Swavesey and Fen Drayton Parish Awards of 1838, which dictate how the Award Drains should be managed. Any deviation from these awards will set a further precedent as mentioned above.

We will be sending a representative to the Land Drainage Advisory Group meeting, however I would strongly suggest a site meeting so all those involved are able to see for themselves the obvious discrepancies and threats to Fen Drayton.

Yours sincerely

Orlando Scott-Cowley  
For and on behalf of Fen Drayton Parish Council

Cc

Mr P Matthews, Land Drainage Manager, SCDC  
Mr I Smith, Clerk to Swavesey IDB  
Mr D Noble, Drainage consultant for Mr J Johnson  
Mr J Ballantyne, Chief Executive, SCDC  
Ms M Smith, County Councillor, Papworth and Swavesey Ward  
Ms Linda Miller, Clerk to Swavesey Parish Council  
Cllr John Shepperson, Swavesey, SCDC  
Cllr Nick Wright, Papworth and Elsworth, SCDC  
Cllr Mark Howell, Papworth and Elsworth, SCDC  
Mr A Lansley MP, South Cambridgeshire

# Fen Drayton Parish Council

Fen Drayton Parish Clerk  
4 The Orchard  
Fen Drayton  
Cambridge  
CB4 5SN

T: 01954 231932

E: [parishclerk.fendrayton@ntlworld.com](mailto:parishclerk.fendrayton@ntlworld.com)

6<sup>th</sup> December 2005

Councillor Daphne Spink, MBE  
South Cambridgeshire District Council  
Cambourne Business Park  
Cambourne  
Cambridge  
CB3 6EA

Dear Councillor,

## **Re: Illegal and unauthorised bank raising to Covell's Drain**

Fen Drayton Parish Council is becoming increasingly concerned with the lack of leadership on the part of South Cambridgeshire District Council (SCDC) in relation to the illegal and unauthorised raising of the banks of Covell's Drain.

Since work to reinforce and raise the banks of the drain started in late 2002, we have been in contact with various members of the District and County councils, as well as other organisations such as the Environment Agency (EA), the Internal Drainage Boards and related Parish Councils. We have seen the issue be passed between all those involved without any one party taking responsibility to seek a resolution. As we now approach the third winter since the work was carried out, Fen Drayton is once again at a significantly increased risk of flooding as a result of the raised banks.

You will no doubt be aware of the correspondence between SCDC, the various Parish Councils and more importantly the EA? In particular we would draw your attention to a letter from the EA to Mr. DS Robinson, the Chief Environmental Officer, stating that the EA hold SCDC responsible for the raising of the banks to Covell's Drain. We are pleased that the EA has taken this stance and, out of all the agencies involved, shown some initiative and leadership to seek a resolution. We are confident that SCDC will not choose to 'flout the authority' of the EA.

Councillor, there has been much rhetoric and spin placed on this issue, but the bare underlying fact is that the work carried out to Covell's Drain has removed the capacity for 370,000m<sup>3</sup> of water from the flood plain on the Swavesey side of the drain. The natural flood dynamics of the area dictate that the excess floodwater will flow towards Fen Drayton, entering the village lode and causing significant damage to areas of High Street, Daintrees Road, Cootes Lane, The Rosary, College Farm

Court, Church Street and Horse & Gate Street, as well as several hundred hectares of farmland. The drain itself acts to obstruct the floodwater that enters the nature reserve from the River Ouse further increasing the risk to Fen Drayton and the potential of a bank collapse on the Fen Drayton side of the drain.

Much emphasis has been placed on the risk of flooding to Swavesey as a *result of removing the bank tops*, but we would ask you to consider the following question – If the work to the banks of Covell's Drain had been controlled through the usual planning process, with consultation from the various Parish Councils, land owners and importantly the EA, would the raising of the banks on one side of the drain and not the other have been approved? We can assume that your answer would be no, particularly in light of the EA statement we refer to above. Removal of the bank tops will place Swavesey at no greater risk of flooding than before the work was carried out, in fact restoring the banks to their rightful level will improve the flood dynamics of the area.

In light of the situation and the EA's letter we refer to above, Fen Drayton Parish Council have no alternative but to advise residents and land owners that in the event of flood damage to their properties they should seek compensation from both the land owner, Mr John Johnson, and from SCDC who have failed to act in their capacity as a local authority. SCDC should not be concerned with any indemnity from the Environment Agency towards residents of Swavesey as the opportunity for litigation by residents and land owners from Fen Drayton will be significant, as will the compensation claims.

We urge you to consider these facts when making your decision. In order for Fen Drayton Parish Council to relax its stance, we will need to see the Swavesey bank of Covell's Drain restored to its pre-2002 level, and proportionate bank strengthening of the Fen Drayton bank to minimise the risk of collapse; for which incidentally approval was not given when requested.

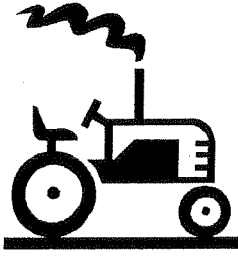
Yours sincerely



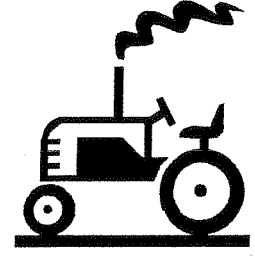
Oriando Scott-Cowley  
For and on behalf of Fen Drayton Parish Council

Cc  
Mr P Matthews, Land Drainage Manager, SCDC  
Mr I Smith, Clerk to Swavesey IDB  
Mr D Noble, Drainage consultant for Mr J Johnson  
Mr J Ballantyne, Chief Executive, SCDC  
Ms M Smith, County Councillor, Papworth and Swavesey Ward  
Ms Linda Miller, Clerk to Swavesey Parish Council  
Cllr John Shepperson, Swavesey, SCDC  
Cllr Nick Wright, Papworth and Elsworth, SCDC  
Cllr Mark Howell, Papworth and Elsworth, SCDC  
Mr A Lansley MP, South Cambridgeshire





K. & P.J. Wilderspin



T/A J.F. Wilderspin & Son

Vat. No. 215 2653 86

Tel: 01954 230083  
Mob: 07850 599016  
Wilderspin@fenwillowfarm.freeserve.co.uk

Fenwillow Farm  
Cow Fen Drove  
Swavesey  
Cams.  
CB4 5QQ

16.10.05

Mrs D.Spink  
Portfolio Holder Land Drainage  
South Cambs. District Council

RE LAND DRAINAGE MEETING 14.10.05

Dear Mrs. Spink,

Thank you for allowing me to attend the Land Drainage Meeting and for giving me opportunity to address it. I was, of course, disappointed and alarmed at the conclusion that the committee came to, which as you will recall, was to lower the bank to 5.6 m. I would like to make the following comments:-

1. There was a serious break in Covells Drain in 1974 after which meetings took place between local farmers, Mr. Hesp (Area Engineer Anglian Water Authority), Mr. J.W. Muscutt and Mr. Flint (of S.C.D.C.) the outcome being that the river bank was restored to 5.8m at Webbs Hole Sluice rising with the land to 5.95 m at Covills Drain a difference of 0.15m. Covills Drain was also restored in keeping. We have Mr. Hesp's letter of June 1976 stating these river bank levels.

Therefore the site in question, being approximately one kilometer further on a rising land level, would be approximately 6.2m in height.

2. Although Covills Drain has overtopped on three occasions in my memory in 1974-1998-2003 and has then subsequently breached, all have been in the vicinity of the railway line not 1 km upstream and behind the village.

3. Known failures of the downstream banks have in the past resulted in great strain on other protections and have resulted in a slow flooding situation for Swavesey but the proposed lowering of the site behind the village will cause water to flood through the village itself resulting in greater damage to property and utilities.

4. With regard to the E.A. statement to your committee that failure to lower the bank height would lead to the area becoming protected ( drainage officers notes paragraph 11) I would point out that Swavesey being the lowest village in the Ouse valley, is already protected by banks on rivers and drains and by protective doors at Webbs Hole and Church Bridge and by pumps in Cow Fen to be used to protect the village when needed.

5. The above factors have led to Swavesey properties escaping flooding to date whilst properties in Fen Drayton have escaped because it is of a relatively higher elevation.

6. One of the District Councillors for Fendrayton stated that he had been shown where water came within an inch of inundating a home. I hope that he will come with me when water overtops at 5.8m. to talk to the householders in Swavesey who will have 12-18 inches of water IN their houses. The house at Fendrayton still having water within one inch of its door at this time.

Houses in Swavesey without this protection will undoubtedly flood and would have done in 1998-2003.

7. The bank in question has been largely remodeled, therefore the materials in it will not be well settled through the whole profile. As any overtopping will weaken and erode a bank, a breach will occur (see point 2), this will be exacerbated by an unsettled bank with its inherent added weakness. A collapse in the bank would not only be very expensive indeed for S.C.D.C to replace but would lead to large volumes of fast flowing water running through the village and across the High St. To intentionally allow water to do this would be foolhardy and dangerous.

8. It is interesting to note that the E.A. seem to think that the massive area they will take out from flooding with the Hemingford/ St Ives scheme will have no effect on Fendrayton but that a few acres and several houses at Swavesey will.

9. Members of your committee suggested that if the bank was lowered and flooding occurred, the banks could be reinstated by South Cambs. Leaving aside the expense of this it seems little consideration was given to those who will be affected by the misery and expense of being flooded by river water and sewage and/ or who will suffer power cuts as a result of this unnecessary situation.

10. In order to avoid raising concerns and insurance worries it would be unfair of me to name houses that would be liable to flood if the bank is lowered but I can say that there would be many. It is also important to note that there would also be an electricity transformer serving most of the village and a sewerage pumping station serving three villages in this new flood area with ensuing vast economic and public health implications.

11. I do feel, however, that I will have to raise public awareness of this situation should the Council proceed.

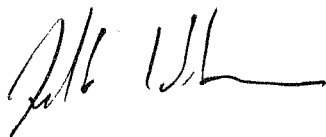
As I intimated at the meeting and, having placed these facts before you, I have to say again that should S.C.D.C. proceed with lowering an Awarded Drain Embankment I will

not hesitate to seek compensation from S.C.D.C. for my losses. I will also help and encourage others to do likewise. Legal advice at the moment, from my own sources and, indeed from your own legal department, would suggest that I would be most likely to succeed.

In addition to these points I do feel that I have to say that I was not surprised either that officers of the E.A. failed to respond to your invitation to attend your meeting or that they failed to send apologies. This has, in my experience, typified their unprofessional attitude to this matter.

It would also seem that they would have found it difficult to justify their thinking especially as it would seem that attention has been given solely to the perceived needs of Fen Drayton and not to the needs of Swavesey. This, I felt, was given example to after another meeting when Mr. Ian Smith (Swavesey Internal Board Clerk) and myself approached Mr. Tony Ross of the E.A. regarding our concerns re this bank only to be told "The bank will come off, we know that Cherry Trees will flood, it should not have been put there". I believe that this statement illustrates the huge degree of indifference within this agency to the needs of those living in Swavesey who would be affected should these banks be lowered,

Yours sincerely,



Keith Wilderspin ( Chairman Swavesey I.D.B)

Copies to :- Patrick Matthews ( Land Drainage Manager S.C.D.C.)  
Ian Smith ( Swavesey I.D.B. Clerk)  
Linda Miller ( Clerk Swavesey Parish Council)  
Andy Baxendale ( Environment Agency Area Manager.Central)  
David Noble ( Drainage Consultant for Mr J.Johnson)  
John Ballantine ( Chief Executive South Cambs District Council)  
John Shepperson ( Chairman South Cambs Drainage Advisory Committee)



Fenwillow Farm,  
Cow Fen Drove,  
Swavesey,  
Cambs.,  
CB4 5QQ  
01954 230083 Ans/Fax  
wilderspin@fenwillowfarm.freeserve.co.uk  
2.12.05

Councillor D.Spink,  
S.C.D.C.  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambridge

Dear Councillor Spink,

RE RETROSPECTIVE APPLICATION FOR REPROFILING OF COVILLS DRAIN  
EMBANKMENT AND GROUND RAISING AT FREISLAND FARM SWAVESEY  
Planning ref. S/00441/04/CW

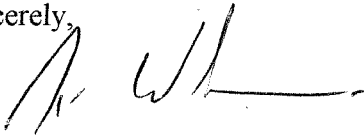
Further to my letter of 15<sup>th</sup> October 2005 and your acknowledgement of 25<sup>th</sup> October 2005, I understand that this matter is to be referred to the Councils cabinet for further discussions/ decision. If this is the case I wish to put some further points on record.

1. Having consulted with several people in Swavesey with long term knowledge of the area I can not find one who remembers flood water entering the village from this direction, therefore certainly not since the 1947 floods. This being a 1 in 100 year event or maybe 1 in 150 year event.
2. That, to my certain knowledge, based on a lifetime of experience in the area, should the Awarded Drain Bank be lowered in the proposed area to 5.6 m. O.D.N. it would have overtopped on at least three occasions in the last thirty one years i.e. 1974; 1998; and 2003.
3. This is a reduction to Swavesey village defences from at least a 1 in 100 year event to a 1 in 10 year event which is well below the Environment Agencies Indicative Standard of Protection of 1 in 25 to 100 year event.
4. I have written evidence from 1976 between the National Farmers Union and the Anglian Water Authority, the Environment Agencies predecessor, that to reinstate banks at the outfall of Covells Drain to 5.9 m O.D.N. would not be detrimental to upstream areas. I would therefore ask as to why they are stating that they now need to lower them to 5.6 m. O.D.N. ?
5. I also have written evidence of March 1987 between Anglian Water and A.R.C requesting the removal of illegal banking of the Fendrayton Flood Plane where none existed before. This is still in position. Probably causing problems to Fendrayton. This I have pointed out to the Environment Agencies Flood Defence Committee Charman, Mr Anthony Morbey and to the Flood Defence Manager, Mr Nigel Wootton whilst on a site visit with Mr Ian Smith of Swavesey I.D.B. in 1998.

6. I would also like to draw to your attention to the letter dated 6<sup>th</sup> April 2005 from Mr David Hussell of your authority to Ms Collette Smyth of the County Councils Strategic Planning Department in which he states, amongst other points "the works represent a major improvement to the Swavesey side of the Drain and will substantially reduce the flood risk to the parish, it is also believed that there will be no increase in the likelihood of flooding to the Fendrayton area as the embankment on the downstream side of the railway line has not been altered"

I do hope that this information will be helpful to you. I do have a comprehensive file of correspondence on these matters dating from the 1960's and would be happy to furnish you with any other information that you require,

Yours sincerely,



K. Wilderspin (Chairman Swavesey I.D.B.)

Copies to: Patrick Matthews (Land Drainage Manager S.C.D.C.)  
Ian Smith (Swavesey I.D.B. Clerk)  
Linda Miller (Clerk Swavesey Parish Council)  
David Noble O.B.E. (Drainage Consultant for Mr J Johnson)  
John Ballentine (Chief Executive S.C.D.C.)  
John Shepperson (Chairman S.C.D.C Drainage Advisory Committee)

# Swavesey Parish Council

Ref: 05-1960/LAM  
2 December 2005

Clerk to the Parish Council  
21 Thistle Green  
Swavesey  
Cambridge  
CB4 5RJ

Mrs D Spink  
Portfolio Holder - Land Drainage  
South Cambridgeshire District Council  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
CAMBRIDGE  
CB3 6EA

Tel: (01954) 202982  
E-mail: [clerk@swavesey.org.uk](mailto:clerk@swavesey.org.uk)  
Website: [www.swavesey.org.uk](http://www.swavesey.org.uk)

Dear Mrs Spink

**Re: Reduction of Flood Protection to Swavesey – Covill's Drain Bank**

Further to my letter of 31 October 2005 and our subsequent telephone conversation, I am writing to ask how this matter now stands. The Parish Council would very much welcome the opportunity to meet with representatives from both the District Council and the Environment Agency to discuss this whole subject further.

I understood from our telephone conversation that you were intending to consult further before putting any recommendation through to the District Council Cabinet. However not having heard any progress with regard to this yet, the Parish Council is concerned that the Land Drainage Advisory Board's recommendation could be referred to Cabinet without the Parish Council being given the opportunity to discuss this directly with the District Council and Environment Agency.

The implications of the Environment Agency's recommendation is considered to be extremely serious to Swavesey and must be investigated fully before any final decision is taken.

Yours sincerely



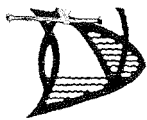
Linda Miller  
Clerk

Copies to:

Mr K Wilderspin, Chairman of Swavesey IDB  
Mr J Shepperson, District Councillor, Swavesey







# David Noble and Associates

Management and Technical Services  
Flood Protection and Land Drainage  
River and Coastal Engineering  
Water and Civil Engineering

Our Ref: DN/SN/98/155

Your Ref:

The Mews  
3 Royal Oak Passage  
High Street  
Huntingdon  
Cambs PE29 3EA  
Tel: (01480) 411123  
Fax: (01480) 431107

Cllr Daphne Spink  
South Cambs District Council  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge CB3 6EA

29<sup>th</sup> November 2005

Dear Cllr Spink

## **COVELL'S DRAIN - EMBANKMENT**

In what has become a somewhat contentious issue, and certainly an extended one, I have been involved in representing the interests of J W M Johnson the landowner on the Swavesey side of Covell's Drain. He has been a co-operative partner with your Council in terms of providing emergency assistance in April 1998 when a section of the embankment breached, and in the works which have been carried out to improve the embankment which have become such an issue.

It is an area with which I am familiar having, in various senior positions, had responsibility for the flood defence in this area with the Environment Agency's predecessors. I was commissioned by your Council in 1998 to undertake a review of its management of the 'award' drains and was asked specifically to consider the condition of the Covell's Drain embankment. This request reflected the Council's concern over the integrity of the embankment as an effective flood defence, as exposed by the breach referenced above.

My conclusion was that the embankment was in need of improvement, there was evidence that it had settled in many places, it was badly rutted along its crest, and the presence of burrowing animals compounded a situation in which overall stability was questionable.

In response to these findings, and the concerns already held, the Council, with Mr Johnson's participation, embarked on works which resulted in the raising of the embankment, increasing the crest width and providing a much more robust flood defence.

cont/...

The Environment Agency was aware of the works, having granted to Mr Johnson a Waste Management exemption in March 2001 which was to temporarily store on his land 50,000 cu metres of imported material for the specific purpose of improving flood defences. From the fact that the Agency raised no issues at that time it can be reasonably assumed that, a) it had no concern over the proposal, b) it was a matter for the Council, being responsible for Covell's Drain under the 'award', or c) they failed to address the matter. It is unlikely that the Agency would concede c) and my strong suspicion would be that they would have considered the matter to be one for the Council.

Subsequently, after representation from other parties, the Agency's interest in the improvement works became acute and, whilst they have dealt with many aspects in a somewhat laboured way, they remain determined that the improved embankment should, over sections, be lowered. Whilst this is an issue for the Council and the Agency, Mr Johnson having no authority or powers to undertake such alterations, he has an interest as an adjacent landowner and clearly is concerned that any resultant flooding across his land poses a threat to properties in Swavesey.

The dilemma for the Council in lowering the embankment, without any liability undertaking provided by the Agency, is readily understood and this is exacerbated, in my view, due to the lack of firm evidence that such a decision is one with sound technical, and indeed practical experience, support.

What the Agency have failed to accept is that the pressures now placed on the Covell's Drain embankment, subject to the improvement, have been substantially increased due to works carried out some years ago in the floodplain adjacent to Fen Drayton. These included the removal of an embankment following which additional flow is now passed downstream spilling into Covell's Drain and increasing the threat of in turn overspilling the embankment and flooding towards Swavesey.

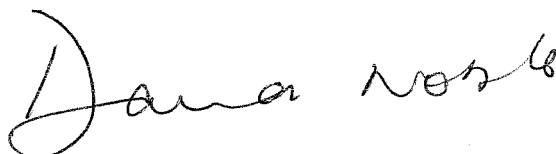
Had these changes not been made the threat of the embankment overspilling would be substantially less, the River Great Ouse floodwater being prevented from entering Covell's Drain due to the presence of 'lock' type doors which closed when the Great Ouse became in flood. These doors located at the point which Covell's Drain enters the River having subsequently been abandoned, this being clear confirmation that the flow regime in this section of the floodplain has been changed in recent years.

In my view the Agency should recognise the benefit of the improved flood protection to Swavesey, the considerable risks in now lowering that standard of protection, and seek to address the concerns of other parties by reviewing the wider implications of floodplain management in the area and take any actions which are deemed appropriate.

I would mention that Mr Johnson has also been required to make a retrospective planning application to cover some ground raising behind the Covell's Drain embankment works which significantly enhances the sustainability of that flood defence. Whilst agreement has virtually been reached with Environment Agency the County Council, who have hitherto been very keen to resolve the situation, have now seriously questioned the construction of a lake which provided the flood storage volume to compensate for that lost as a result of ground raising. As well as meeting the storage requirement the lake provided an amenity and aquatic habitat as opposed to an area of land reduced in level, and which thereafter would be unsuitable for cultivation or any other beneficial purpose.

You will appreciate that, despite its length, this letter provides a brief overview of the position but I hope it is of help.

Yours sincerely

A handwritten signature in cursive script that reads "David Noble". The signature is written in dark ink and is positioned above the printed name.

**David Noble OBE**

cc: Mr Johnson

