

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Land Drainage Advisory Group/PFH 31 October 2006
Environmental Health

AUTHOR/S: Chief Environmental Health Officer

COVELL'S DRAIN SWAVESEY - EMBANKMENTS

Purpose

1. This item was discussed in detail at the meeting of the Advisory Group held on 24 January 2006. Members recommended that no action should be taken with regard to the Swavesey embankment until the proposed Environment Agency study for the area was completed. The study has been commissioned by the Agency but its scope has been reduced and will not cover the area of Covell's Drain as originally envisaged. The purpose of this report is to allow Members to consider extending the study and make recommendations to the Environmental Health Portfolio Holder on whether costs should be met by the Council.

Background

2. This issue was considered by the Advisory Group at meetings on 14 October 2005 and 24 January 2006. Members will be aware of the acute concerns of both Fen Drayton and Swavesey Parish Councils regarding the potential for flooding in their respective areas. Additionally, the Swavesey Internal Drainage Board and a considerable number of local residents have outlined their concerns. In general terms, the situation remains as it was when the issue was first considered by the Advisory Group – i.e. Fen Drayton parish wish to see the embankment reduced in height while Swavesey parish see the embankment as valuable protection for the low-lying village areas.

Considerations

3. It was expected at the last meeting of the Advisory Group that the Environment Agency study would produce substantial guidance on the perceived threat to the village of Fen Drayton. This will now not be the case as the study commissioned by the Agency only extends to the Fen Drayton lakes area and will not cover Covell's drain or the Swavesey area. However, discussions have taken place with the Agency's consultant, W S Atkins, and the Council's Drainage Manager on the possibility of extending the study. The consultants explained that the Agency is happy to share all information on the main study, in order to minimise costs, should the Council decide to commission a separate technical report/study for the Covell's drain area. Atkins are in a position to undertake the work on the Council's behalf and have provided costs based on four different options that reflect varying degrees of accuracy (see enclosed letter from Atkins with details and quotes). Option 2 outlined in the letter gives consideration to both Swavesey and Fen Drayton parishes and should provide an accurate assessment of the changes to the flood plain mechanisms. A technical report of this nature would take the form of a retrospective flood risk assessment and is likely to offer a scientific basis for any decision on whether or not the Council should carry out works to the embankment. The cost of this work will amount to £30,000 for the study plus approximately £2,000 for an associated topographical survey.

4. The Head of Legal Services and the Council's Drainage Manager have discussed the raised embankment with a representative of the Environment Agency's legal section. The Council's rights and obligations to carry out works under the terms of the award were outlined and the Agency accepted that no breach in legislation had occurred. However, the lack of a suitable flood risk assessment means that there are still uncertainties regarding the embankment and the concern felt in Fen Drayton is likely to persist until definitive technical guidance is produced.
5. A further consideration for Members is the possibility of a Land Drainage Tribunal being instigated with the Council as a named respondent. Should this occur, then considerable legal and technical costs might be expected in order to defend the Council's position. The production of a technical report at this stage may well offset this potential for future costs.

Options

6. The following options are available to Members:
 - (a) Do nothing
 - (b) Carry out the works as advised by the Environment Agency
 - (c) Undertake the Flood Risk Assessment study and use this as a basis for future decisions.

Implications

7. **Financial:** The primary implication is cost, as no budget currently exists to cover the expense of the study. However, as outlined above, the production of a technical study may help offset substantial legal costs in the future.
8. **Legal:** The availability of a technical report may prove very useful in order to justify future actions.
9. **Staffing:** None
10. **Risk Management:** The management of the flood risk in both parishes will be improved if the flood risk assessment is produced.
11. **Equal Opportunities:** None
12. An important consideration is that the local parish councils, local residents and the Swavesey Internal Drainage Board expect guidance in the form of a technical report on the influence of the raised Swavesey embankment.

Consultations

13. Discussions have taken place with the Environment Agency who are supportive of the study.

Effect on Annual Priorities and Corporate Objectives

Village Life	A definitive guide on the implications of the raised embankment would offer considerable assurances to Fen Drayton and Swavesey parishes as well as the local representatives.
Partnership	It is important to continue working in partnership with the Environment Agency to ensure a satisfactory resolution.

Conclusions/Summary

14. This issue is still proving very contentious with the landowners and parish councils in the locality. The study offers an opportunity to quantify the level of risk to both Swavesey and Fen Drayton parishes.

Recommendations

15. It is recommended that the Advisory Group recommends to the Environmental Health Portfolio Holder that the Council commissions a separate study as outlined in paragraph 3 and that the funding required is either
- (a) met from projected 2006/07 under spends or
 - (b) b) Cabinet is asked to recommend that the Council approve the expenditure of £32,000 as it is outside the budget framework.

Background Papers: the following background papers were used in the preparation of this report:

Minutes of the Land Drainage Advisory Group meetings of 14 October 2005 and 21 January 2006.

Contact Officer: Patrick C Matthews – Drainage Manager
Telephone: (01954) 713472