

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet

13 November 2008

AUTHOR/S: Executive Director / Corporate Manager Health and Environmental Services

COVELL'S DRAIN SWAVESEY – REQUEST FOR FLOOD RISK ASSESSMENT

Purpose

1. To obtain Cabinet approval to undertake a Flood Risk Assessment along Covell's Drain in order to assess the impact of the raised eastern embankments on the local communities.
2. This is a key decision because
 - it is not in accordance with the revenue budget, capital programme or borrowing limits approved by the Council.
 - it is of such significance to a locality, the Council or the services which it provides that the decision-taker is of the opinion that it should be treated as a key decision.And it was published in the Forward Plan.

Background

3. Consideration was first given to this issue on 14th October 2005 by the Land Drainage Advisory Group. Members of the Advisory Group again debated the issue on 24 January 2006 and a further meeting was held on 31 October 2006. In line with the Advisory Group's recommendation, the Environmental Health Portfolio Holder decided to defer any decision until the Environment Agency Fen Drayton Lakes report was completed. This report has been published but offers no guidance on the impact of the eastern embankment of Covell's drain.
4. Many Members will be aware of the opposing views of Fen Drayton and Swavesey residents regarding the height of the eastern embankment. As outlined in previous reports, Fen Drayton residents are concerned the embankment has removed land in Swavesey from the flood plain and thus increased the flood risk to Fen Drayton. However, Swavesey parish regards the embankment as valuable protection for the low-lying village areas within the parish.
5. The Council's legal officers have in the past advised that the Council could be subject to litigation action following a flooding event in Fen Drayton. However, it would be difficult for a potential litigant to sustain an action for negligence. On the other hand, the legal advice is that Council would be liable for damage caused by flooding in the Swavesey area should the embankment be reduced in height.
6. The Environment Agency is also concerned the embankments potentially pose a threat to the Fen Drayton area and has recommended a retrospective Flood Risk Assessment is undertaken in order to quantify the level of risk.

Considerations

7. The Fen Drayton Lakes study has not produced any additional guidance on the flood risk potential within Fen Drayton parish as a result of the heightened eastern embankments. Over the past two years, further meetings have taken place with Fen Drayton Parish Council and a number of local residents. There has been further correspondence with the Parish Council and the local MP has become involved. The Environment Agency has again expressed its concerns in writing on a number of occasions and senior officers from the Agency have met with the Council's Chief Executive and Corporate Manager in an effort to resolve matters. Both Council and Environment Agency officers have expended a considerable amount of staff time in attempting to resolve the issue but without much success.
8. Following the meeting with the Chief Executive and Corporate Manager, the Agency agreed to part fund a Flood Risk Assessment in the hope of bringing the past difficulties to a conclusion. The Agency has offered to contribute the lesser of one third the cost or £10,000. This offer is however conditional on the Council implementing works arising from the results of the Assessment. It has also agreed to make available any topographical survey information and flood modelling works that may be of assistance. Members will need to be mindful of the conditions attached to the offer and therefore, should the findings be considered unacceptable by the Council, the Agency's contribution may not be forthcoming. That being said the Chief Executive and Corporate Manager believe this to be a generous offer and that, at the very least, it provides way forward for both parties to work together in an attempt achieve a satisfactory resolution.
9. Discussions have taken place with consultants and indications are that a suitable assessment is likely to cost in the region of £35,000. The Agency will offer assistance as outlined above but under the Council's Financial Regulations it will be necessary to tender for the work.

Options

10. The following options are available to Members:
 - (a) Do Nothing
 - (b) Reduce the height of the embankment as advised by the Agency without undertaking the Flood Risk Assessment.
 - (c) Undertake the Flood Risk Assessment and use the results as a basis for future decisions.

Implications

11. Financial	The provisional figure for the total cost of the study is £35,000. The Environment Agency will contribute £10,000 towards this total cost requiring the Council to fund £25,000. No identified budget currently exists to cover the cost of the assessment. Cabinet have delegated authority, after opportunities for virement have been exhausted, to approve in year supplementary revenue estimate up to £50,000.
Legal	Any future actions by the Council will have the backing of technical advice and the Environment Agency. This will reduce legal risk for the Council.
Staffing	None

Risk Management	The Flood Risk Assessment will enhance the flood risk management for the area in general.
Equal Opportunities	None

Consultations

12. The views of the local parishes and the Internal Drainage Board are well known and were expressed in detail at the Advisory Group meeting of 24 January 2006. The Environment Agency is very supportive of the study.

Effect on Corporate Objectives and Service Priorities

13. **Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future**
 The proposed study is a partnership approach with the Environment Agency and should offer sound advice that will be of benefit to the local communities.
- Deliver high quality services that represent best value and are accessible to all our community**
 The assessment report will offer assurances to the local communities that the most appropriate flood protection measures are in place.
- Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work**
 The assessment will help quantify the level of protection to the local environment and advise on the most sustainable approach for the future.

Conclusions/Summary

14. The works to the embankments along Covell's Drain have caused a great deal of controversy and debate over the past five years. It has not been possible to reconcile the opposing views in the locality. The Flood Risk Assessment will ensure the Council has sound technical advice, supported by the Environment Agency, on which to make decisions for the future.

Recommendations

15. It is recommended that Cabinet:
- (a) Instructs Officers to undertake a Flood Risk Assessment on the impact of the raised eastern banks of Covells Drain.
 - (b) That the £25,000 Council contribution to the assessment is funded in the first instance using appropriate virement opportunities within the revised budget process and if this is unable to be found then Cabinet authorises the Chief Executive to exercise Cabinet's delegated authority to approve a supplementary estimate of up to £25,000.

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, 21 January 2006 and 31 October 2006.

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