

# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## SCRUTINY COMMISSION

### MINUTES OF THE MEETING HELD ON THURSDAY 17 OCTOBER 2024

**Councillors Present:** Carlyne Culver (Chairman), Dominic Boeck (Vice-Chairman), Antony Amirtharaj, Erik Pattenden, Christopher Read, Martha Vickers and Laura Coyle (Substitute) (In place of Jeremy Cottam)

**Also Present:** Jon Winstanley (Service Director (Environment)), Carolyn Richardson (Service Manager - Emergency Planning) and Paul Bacchus (Principal Engineer (Drainage and Flood Risk)), Councillor Nigel Foot (Executive Portfolio Holder: Culture, Leisure, Sport and Countryside), Councillor Stuart Gourley (Executive Portfolio Holder: Environment and Highways), Councillor Clive Hooker, Councillor Geoff Mayes, Councillor Matt Shakespeare, Pete Devery (Angling Trust), Edward Hanrahan (Pang Valley Flood Forum), Chris Harris (Lambourn Valley Flood Forum), Charlotte Hitchmough (Action for River Kennet), Keith Hoddinott (Thatcham Flood Forum), Paula Saunderson (Newbury Flood and Drainage Action Group), Martyn Wright (East Garston Flood and Pollution Forum), Maddy Adams (Environment Agency), Dave Willis (Environment Agency), Shelly Hartnoll (Thames Water), Nikki Hines (Thames Water), Denise Kinsella (Thames Water), Danny Leamon (Thames Water), Sean Walden (Thames Water) and Gordon Oliver (Democratic Services)

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam, Councillor Paul Dick and Councillor Ross Mackinnon

## PART I

### 30. Declarations of Interest

Councillor Carlyne Culver declared an interest in Agenda Items 3, 5 and 5 by virtue of the fact that she was the flood warden for East Ilsley, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matters.

### 31. Winter 2024 Flooding Debrief

The Chairman explained the format of the meeting. It was agreed that because of the inter-relationships between the items, questions and debate would be deferred until after all of the presentations had been received. A summary of the discussions is provided in the Minutes for Agenda Item 5, 'Thames Water and Environment Agency'.

Councillor Stuart Gourley (Executive Portfolio Holder: Environment and Highways) and Carolyn Richardson (Service Manager – Joint Emergency Planning Unit) gave a verbal update on the Winter 2024 Flooding Debrief (Agenda Item 4). Their presentations may be viewed on the recording:

[Scrutiny Commission, Thursday, 17 October 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

**RESOLVED** to note the report.

### 32. 2024 Section 19 Flood Report

Jon Winstanley (Service Director – Environment) introduced the 2024 Section 19 Report (Agenda Item 3). The presentation may be viewed on the recording:

[Scrutiny Commission, Thursday, 17 October 2024 \(youtube.com\)](#)

Questions and debate for Agenda Items 3 to 5 were deferred until after all the presentations had been received. A summary of the discussions is provided in the Minutes for Agenda Item 5, 'Thames Water and Environment Agency'.

**RESOLVED** to note the report.

### 33. Thames Water and Environment Agency

Danny Leamon (Performance Director – Waste) and Shelly Hartnoll (Area Network Manager) provided an update on behalf of Thames Water. The presentation may be viewed on the recording:

[Scrutiny Commission, Thursday, 17 October 2024 \(youtube.com\)](#)

It was noted that Thames Water had provided written responses to questions submitted by West Berkshire Councillors, Flood Wardens, Action for the River Kennet (ARK) and the Angling Trust. These were provided within one of the supplementary agenda packs.

Maddy Adams (Thames Area Flood and Coastal Risk Manager) and Dave Willis (Area Environment Manager, Thames Area) provided an update on behalf of the Environment Agency. The presentations may be viewed on the recording:

[Scrutiny Commission, Thursday, 17 October 2024 \(youtube.com\)](#)

The Commission noted the following updates on Actions 141 and 143 from the Scrutiny Commissions Action Log:

- **Action 141** – No response had been received in reply to letters to Ministers of the previous government. It was confirmed that letters would be sent to Ministers of the new administration. Also, the MP for Newbury had written to Ofwat about sewage related issues. Meetings had taken place between the Council and Thames Water around larger infrastructure projects and plans. Work was also progressing on joint comms initiatives.
- **Action 143** – Thames Water had undertaken water tests in Northbrook. A walkover had been undertaken with the Environment Agency, and further testing had been agreed.

Members of Scrutiny Commission and local Ward Members asked questions of WBC Officers, Thames Water and the Environment Agency, and were given the following answers:

- The government's threshold of 50 homes in order to be eligible for flooding support was more challenging for small local authorities to achieve than for larger counties. Representations had been made to central government on that point. However, this highlighted the importance of residents coming forward to say that their property had been affected by flooding.
- Provision of immediate support to households affected by flooding would require central government to change their approach.
- The Council had recently updated its phone system, which would allow for more flexible approaches to emergency community support. An emergency phone number

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could be provided for residents to call for flooding support, but the preference was for people to report issues online where possible.

- While it was difficult for the Council to provide detailed/real-time flooding information to residents, officers agreed to look at how future comms could be improved.
- The Environment Agency (EA) acknowledged that there were issues with service users accessing their flood warning maps. When going through the Gov.uk website, visitors had to click on a hyperlink to access the map - this was done for accessibility reasons. While some flood warning areas covered relatively large areas, the EA tried to give more detail within the wording of the warning itself.
- It was explained that (with limited exceptions) the Council's policy was not to provide sandbags, since they were ineffective, expensive, and became contaminated by flood water. It was better to have property level protection measures such as air brick flood covers and door guards. Residents were encouraged to visit the EA website to check their home's risk of flooding.
- Officers acknowledged the need for proactive communications with residents.
- After the 2014 floods, government grants were allocated to households to implement property level protection measures. It was noted that not all property owners wanted the measures.
- Thames Water found drop-in sessions / parish meetings to be useful for educating customers and delivering key messages. Sessions had previously been held in Lambourn and Hampstead Norreys and Thames Water would be happy to organise additional drop-in sessions or attend parish council meetings.
- It was acknowledged that the EA's models for predicting peak river levels were imperfect. Additional interpretation was necessary, drawing on experience of local catchments. Tolerances were generally  $\pm 7$ cm for peak flood levels. Also, predictions of when peak water levels would occur could be out by up to 24 hours. It was felt that sharing model outputs with service users could provide false reassurance. Work was ongoing to improve the models.
- The EA's planned new flood warning system would help to clarify likely flood risk.
- The EA had an annual maintenance schedule which included debris removal, but this was more challenging when water levels were high. Smaller items of debris were often cleared by stormwater. Residents were encouraged to report blockages to the EA via their 24 hour emergency line on 0800 80 70 60.
- The Council's drain clearance programmes were developed using a risk-based approach and had to be delivered within available budgets. However, additional cleaning was undertaken in response to emergencies and maintenance frequencies were often updated on the basis of responding to emergency reports.
- It was explained that the Council preferred to work with landowners to inform them of their responsibilities and encourage them to clear their ditches, with enforcement powers used only where necessary.
- Members asked the EA about changes since 2014 relating to Section 18. The EA did not have this information to hand, but they offered to respond to the question following the meeting.

**Action: Councillor Chris Read to clarify the question for the EA to respond to following the meeting.**

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- The EA confirmed that it had received additional funding from this financial year from increased water quality permit charges and government grant in aid and this was being used to fund a larger and more specialised workforce to enhance its water company regulation.
- It was confirmed that work to the downstream riverbed to reduce the water level at Bucklebury Ford would require a permit to ensure this did not increase flood risk elsewhere. A request would have to be submitted by the landowner, or the Council would need to prioritise it within their expenditure programme.
- Thames Water explained that particular conditions with high groundwater and rainfall were needed for sewer infiltration to occur at Stanford Dingley. This made issues difficult to detect. Sewer depth monitors had been installed at various locations and improvements to arials were being investigated to improve data transfer. Investigations, sewer lining, and manhole sealing had been undertaken in the area. Works to seal a local storm tank had started, but water levels needed to drop before this could be completed. Although tankers had previously been deployed in Stanford Dingley, last winter was the wettest on record, which had stretched resources, and meant that tankers could not be deployed to all areas. Pollution was considered to be preferable to flooding customers' properties. Local properties had been fitted with flood protection measures. Reassurance was provided that Stanford Dingley had not been forgotten.

### **Action: Thames Water to provide Councillor Chris Read with details of sewer lining works in Stanford Dingley.**

- It was acknowledged that flood risk data provided as part of the conveyancing process was outdated, but it was confirmed that new mapping would be available from spring 2025.
- 'Citizen science' data was welcomed by the EA to supplement its core environmental monitoring information. The challenge was how best to manage and use the evidence for catchment planning.
- The EA confirmed that they liaised with the Canal and River Trust (CRT) and provided them with expert advice where necessary. It was considered that the CRT had done an excellent job of operating their assets during the recent flood events.
- The EA indicated that they provided advice to sluice owners and provided feedback if owners were not operating them appropriately. However, there were some assets that had become orphaned/abandoned.
- Thames Water committed to look again at compensation levels for customers who were affected by sewage issues for extended periods.

### **Action: Thames water to look again at customer compensation levels.**

- It was explained that while Thames Water was not a statutory consultee for planning applications, modelling was undertaken with Ofwat to understand the implications of planned growth and the level of investment required to support that. Customers had a 'right to connect' to the network and development could not be prevented. Infrastructure charges were pooled to help pay for network upgrades. However, upgrades were only on the basis of additional demand - charges could not be sought to tackle pre-existing issues. Work was ongoing to tackle groundwater infiltration to prevent flooding.
- Thames Water considered that privatisation had been positive - it had directed more investment into the water industry than otherwise might have been possible.

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However, under-investment in the network had resulted in significant levels of asset debt - this was partly due to the industry seeking to keep bills low. It was acknowledged that public perceptions had changed, and the industry was being challenged to improve. While previous efforts had focused on addressing leakage, the focus had shifted to preventing pollution. Proposed levels of investment demonstrated Thames Water's commitment. They were working hard to secure investment for the next 12-18 months until the final determination had been agreed.

- Thames Water apologised if their response regarding the impacts of their roadworks in Pangbourne had appeared dismissive. They had thousands of permits per year, but they were only prosecuted a handful of times. However, they acknowledged that they received a large number of fixed penalties for failing to comply with permits. An automated system was being introduced, which should help to address the issue. The Pangbourne incident was being investigated through a serious incident review. The preferred approach was to apply for the permit in the normal way and to ask for early entry. The emergency process was used for leaks that were likely to cause damage or a risk to public safety.

**Action: Thames Water to provide Councillor Matt Shakespeare with details of the percentage of emergency permits that were related to faults reported within the 12 hour emergency window, and the results of the serious incident review into the works in Pangbourne on 18 September 2024.**

- Thames Water was not aware of the latest government position with regards to revoking the 'right to connect' to water companies' networks, but offered to check this.

**Action: Thames Water to report back with the latest government position with regards to revoking the 'right to connect' to water companies' networks to Councillor Stuart Gourley.**

- Thames Water confirmed that they were required to reduce the number of storm overflows and £800M had been allocated for that purpose, including for a number of sites in West Berkshire. Most of this investment would take place later in the next five year period. Thames Water would also be investing in their environmental and compliance programmes.
- Thames Water indicated that they did not have the capability to deploy large numbers of Portalooos during major flood events. Their priority was protecting their assets, since these could take months to recover. WBC Officers confirmed that it was not the local authority's responsibility to provide Portalooos, but the Council would liaise with the Flood Wardens and review each situation on its own merits.
- It was noted that Thames Water may be competing with other water companies for resources in the event of a major flood event and it was unlikely that there would be enough tankers to serve every affected area, particularly for long-term groundwater flooding. Thames Water was planning how to use its resources most effectively to mitigate the impacts on local communities.

The Commission resolved to suspend standing orders to permit the Flood Wardens, and representatives from ARK and the Angling Trust present at the meeting to speak.

The Flood Wardens, and representatives from ARK and the Angling Trust asked questions of WBC Officers and the representatives of Thames Water and the Environment Agency, and were given the following answers:

- The Business Case and funding bid for flood alleviation measures related to Northbrook would be managed in line with the priorities identified in the Section 19 report.

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- Thames Water's five year plan would address a number of aspects, including phosphorous removal at key sites. Although there were currently no plans for Hampstead Norreys, they undertook to review this, subject to funding made available in response to their business plan request. It was confirmed that priority would be given to promises made around the national environmental programme.
- Thames Water apologised if residents of Stanford Dingley felt forgotten. While they could not promise to resolve the issues there, they undertook to keep investigating them. Work to seal a local storm tank had been paused due to adverse weather conditions. Thames Water had continued to provide updates through the Pang Valley Flood Forum and they offered to attend additional meetings as required.
- Thames Water confirmed that they tried to work in collaboration with partners and they supported the proposal to form a task group to look at cross-cutting issues in the Lambourn Valley. However, they stressed that it was not always possible to solve issues within the constraints of available funding. The EA and West Berkshire confirmed that they would also be happy to work jointly to look at the issues. It was suggested that Project Groundwater (Defra funded innovation project) could be brought in to provide support. It was stressed that local residents also needed to be involved.
- It was noted that all three organisations had met with Operation Groundwater previously, and there had been positive outputs from these meetings.
- It was noted that Newbury had groundwater issues as well as fluvial flooding, but Operation Groundwater's interest stopped at Great Shefford. There was a discussion about the issue of pumping out groundwater, and where customers can pump to. This is a difficult question and parties agreed to convene to discuss, with the help of Project Groundwater, and including concerns about Newbury.

**Action: EA to contact Project Groundwater with a view to setting up regular multi-agency meetings involving Thames Water, the EA, WBC and local Flood Forum representatives to discuss the issue of pumping groundwater.**

- The EA confirmed that they worked closely with Thames Water on any requirements for temporary discharges. While they could not permit these, they had a regulatory position that allowed them to be accepted as a last resort, providing strict criteria were met. The link between temporary discharges and the overall environmental performance assessment of Thames Water was limited but was reflected to some extent through the performance measure relating to the total number of pollution incidents.
- The EA stated that a document provided to them in advance of the meeting about grass-cutting related to a blog post and was not a policy document. The EA undertook to get back to Mr Hoddinott about planned maintenance schedules in North Newbury. Also, it was confirmed that the EA undertook reactive maintenance where issues were reported that were judged to increase flood risk. In addition, they undertook 'flood runs' to clear trash screens, etc. It was confirmed that maintenance obligations sat with the riparian owners, but the EA often provided advice. Changing the height of riverbanks would require planning, funding and permits.

**Action: EA to confirm dates of planned maintenance in North Newbury to Mr Hoddinott and Councillor Stuart Gourley.**

- It was confirmed that Newbury Town Council would require relevant permits to undertake works on the riverbanks.

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- EA officers indicated that they were not familiar with issues highlighted in relation to vegetation, silting and bank heights on the stretch of the River Lambourn between Donnington and the River Kennet, but offered to investigate these.

**Action: EA to investigate the stretch of the River Lambourn between Donnington and the River Kennet and liaise with Ms Saunderson.**

- It was explained that the Section 19 report was not set up for catchment based reporting – it was based on where properties were flooded. Officers were aware of flooding affecting properties on Riverside Lane.
- It was confirmed that sewer lining had a design life of around 50 years, but this depended on the materials used. Thames Water was always looking for new solutions to ensure they were using the best option. There was only a small window in which to locate groundwater infiltration. Groundwater levels were regularly monitored to identify when ideal conditions occurred. This was an issue for much of Thames Water's area, so they had to prioritise resource allocation. High priority locations were where filter units needed to be deployed.
- Although Thames Water was not a statutory consultee, it was consulted on most major planning applications. Where the Council had concerns about sewer connections, officers typically asked Thames Water for confirmation of sewer capacities. Also, it was noted that Thames Water could ask for Grampian Conditions to restrict development until improvements to sewer capacities had been made. Officers were not aware of the conversion of an office to 200 flats and asked for further details.

**Action: Mr Hoddinott to provide details of the proposed office conversion.**

- Officers indicated that they would be happy to receive additional suggestions for the action plan.

**Action: Ms Saunderson to provide additional suggestions for the action plan for the lower reaches of the River Lambourn to Jon Winstanley.**

Everyone present giving evidence to the meeting – including Thames Water, Environment Agency, flood wardens, ARK, Angling Trust – indicated that they were happy to share their email addresses with each other.

It was noted that there would be an article in a future edition of the Residents' Bulletin.

The Chairman suggested that people should be encouraged to watch the recording of the Scrutiny Commission meeting.

The following actions were agreed:

### **Actions:**

- **Gordon Oliver to collate comments submitted after the meeting and forward them to Councillor Stuart Gourley.**
- **Jon Winstanley and Carolyn Richardson to review the flooding Q&As on the Council's Website.**
- **Officers to draft a letter to the Ministry of Housing, Communities and Local Government in consultation with Councillor Stuart Gourley to lobby for water companies to be made statutory consultees for major planning applications.**
- **The Environment Agency to send the statements they read out and Jon Winstanley and Carolyn Richardson to send their presentation to Gordon Oliver so they could be included on the website.**

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- **Consider a forum of the three responsible authorities (WBC, Thames Water and the Environment Agency) and flood forums.**
- **Officers to consider how else to communicate with residents – including residents’ bulletin, parish councils, flood wardens.**
- **Gordon Oliver to share email addresses of those present so they could exchange information after the meeting.**

**RESOLVED** to note the report.

*(The meeting commenced at 6.00 pm and closed at 9.32 pm)*

**CHAIRMAN** .....

**Date of Signature** .....