

Lancashire County Council

Scrutiny Committee

Minutes of the Meeting held on Friday, 13th February, 2015 at 10.30 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Bill Winlow (Chair)

County Councillors

A Barnes	J Shedwick
C Crompton	V Taylor
Mrs L Oades	C Wakeford
D O'Toole	D Watts
C Pritchard	G Wilkins

1. Apologies

Apologies were received from County Councillors Darren Clifford and Miles Parkinson.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None were disclosed.

3. Minutes of the Meeting held on 16 January 2015

Resolved: That the minutes of the meeting held on 16 January be confirmed and signed by the Chair.

4. Environment Agency: Bathing Water and Alt-Crossens Land Drainage

The Chair welcomed Andy Brown and Matthew Connor from the Environment Agency, and Ian Welsby, Lancashire County Council Head of Flood Risk Management, to the meeting.

Following recent reports to the Scrutiny Committee on Flood Risk Management issues, it was resolved to request the Environment Agency (EA) to attend a meeting to discuss the role and responsibilities of the EA, particularly in reference to bathing water quality and land drainage in the Alt Crossens Catchment.

Bathing Water Quality

The Committee were advised that 2014 had seen the best ever water quality results in Lancashire. This had followed significant investment from the partner organisations involved, most significantly the work undertaken by United Utilities in Preston and elsewhere, but also reflected the relatively good weather which had reduced the amount of storm water runoff.

However, following the introduction of a revised EU Bathing Waters Directive (rBWD), which raised the required standards, there were issues with some of the waters around the Fylde Coast. It was clear from data taken that Blackpool North would be classified as "poor" at the end of 2015. In accordance with the new rBWD, there would be a requirement for a sign posted at the site advising against bathing for the following year (2016). The notice would be an advisory notice, and the requirement was for that notice to explain the reasons for the notice. The exact wording and location was not yet known.

It was recognised that the issue was a serious one, especially in an area like the Fylde which was dependent on tourism. A number of developments had taken place to try to address the issues, with the EA working closely with the County council and other partners. Examples such as the LOVEmyBEACH initiative and the Turning Tides Partnership were given.

United Utilities (UU) had completed a major programme of improvement work in the Ribble catchment to improve St Annes, St Annes North and Blackpool South bathing waters. A large storage tunnel was completed in 2014 close to Preston City Centre to hold storm water and sewage and reduce overflows to the River Ribble during heavy rainfall. UU had finished installing ultra-violet treatment at Garstang Wastewater Treatment Works and had completed improvements to intermittent discharges in the Poulton area, which would have a positive effect on Fleetwood's bathing water.

Many bathing water areas on the Fylde Coast were affected by storm sewage discharges as a result of rainfall. The EA was working with UU to reduce the impact of discharges on bathing water quality. This work formed a key component of the Fylde Strategy that UU were developing to address bathing water issues across the Fylde Coast. Schemes had been identified to reduce the amount of clean surface water which entered the combined drainage systems on the Fylde.

All three coastal local authorities were participating in the pollution risk forecasting system for all bathing waters on the Fylde, in which regular samples were taken, and where problems were identified, signs were placed at beaches when there was likely to be reduced water quality. In general, such issues cleared within 24 – 48 hours.

Councillors were invited to ask questions and raise any comments in relation to bathing water:

- In relation to the pollution risk forecasting system, in the Lytham and St Annes area, it was noted that, of 80 samples taken only 40 were accounted for, and the basis for this was queried. The committee was advised that samples had been discounted by the government, which was responsible for such decisions, on the basis that the samples were the result of extreme weather conditions, and also that the work on the Preston Tunnels by UU (amongst other work) had resulted in a genuine step change in pollution readings. It was accepted that, if all 80 readings had been taken account of, the result would have been more marginal, but the EA were clear that this did not represent any form of manipulation of the figures, but rather a genuine reflection of the significant enhancements made.
- Concerns were raised by the committee about the impact of discharges at Fairhaven on water quality around Lytham and St Annes. The EA advised that, whilst this was a problem, the greater problem had been from discharges originating in Preston. The Committee was informed that Preston's Combined Sewer Overflows (CSOs) affected Lytham St Annes. UU had invested in updating these CSOs. THE EA expressed confidence that all area of the Fyklde Coast would pass the rBWD requirements next year.
- The committee questioned why North West bathing waters were the worst in the country. The EA acknowledged that this was the position, and highlighted that this reflected historic investment decisions prior to the nineties, where the infrastructure in the area was not greatly invested into.
- Members raised the issue of "misconnections", where properties had incorrectly connected waste pipes feeding the system. It was recognised that misconnections from housing developments was not an uncommon issue. The issue was down to the capability of individual contractors or individuals who were doing their own refurbishments. Members sought reassurance that developers for new housing developments would make connections correctly. This was not EA's responsibility but was down to Local Planning Authorities and building inspectors. It was recognised that they were tackling the issue, but that the problem was not always an easy one to identify and tackle until some damage had already been done.
- Members were reassured that the EA did make comments to the Local Planning Authority around developments of a large size and the places where the flood risk and drainage was greatest .It was explained that the EA worked with developers and planners throughout the process and it's requests were often met before formal planning applications were made.

- The EA would provide the Committee with figures regarding what effluent levels would see a pass for bathing water, what effluent levels were registered, and records from the last five years showing what improvements were registered due to capital programmes for across the county.
- The Committee enquired how the EA monitored the discharge from Freckleton Marsh. The legislation required operators of sites who had consent from the EA to make discharges to have a monitoring regime and provide this information to the EA. There were also programmes of background environmental monitoring. The EA had colleagues who routinely took water samples from the main river network within Lancashire and in the coastal waters.
- It was put to the EA if there was a need for additional infrastructure investment around coastline activity. The EA stated that new and ongoing investment was always needed. Within the next round of asset management investment that UU had just had approved by Ofwat, some of this investment would be used along similar lines as what had been done already.
- Members requested improvements to Water Sewage Works and Pumping Stations for the whole of the Fylde coast and requested that real time monitoring of sewage discharges be installed so that actual discharge dates and volumes were better known. In terms of new investment regarding UU's programme there was additional investment for Blackburn, Chorley and Preston sewage works to help contribute to the situation.
- Members were informed that there were 14 Making Space for Water (MSfW) groups in Lancashire which LCC attended. These were held on a quarterly basis. These meetings were important in bringing all the partners together and discussing the issues and coming up with solutions.

Alt Crossens

Andy Brown went on to present an update on land drainage in the Alt-Crossens catchment.

The EA described their work in relation to flood risk management as falling into two areas: 'Warning and Informing' and 'Managing and Operating Assets'. 'Warning and Informing' was about gathering information on rainfall and river levels, understanding what would happen and having a mechanism in place for informing the public when there might be a risk of flooding. Regarding 'Managing and Operating Assets', in locations where there was significant flood risk the EA's responsibility was protecting people's properties. The EA's priorities, set by national government were:

- Human life
- Properties
- Critical Infrastructure – power stations, etc
- Other Benefits – agricultural land, etc

The EA provided a brief history of the land in the Alt-Crossens area. It was noted that in the early 1800s major landowners started to drain land by gravity for agriculture. By the 1920s pumping was required to maintain the system. Drainage boards were set up in the Alt-Crossens catchment in the 1930s. In the early 1980s the Rivers Division of the North West Water Authority took over the work of all North West drainage boards. This role was then passed to the National Rivers Authority in 1989, and later the EA in 1996.

Regarding the two major pumping stations in the Alt-Crossens area, the EA made clear that it was fully committed to their operation going forward. The EA currently operated eleven smaller 'satellite' pumping stations which pumped water to these two major pumping stations and subsequently into the Irish Sea. The EA was currently preparing to serve a two year notice on some of the satellite pumps and was open to work with others who might wish to take on these pumps. The EA was also running a pilot approach to make it easier for landowners to maintain their own rivers. This course of action reflected the process of prioritisation by the EA in the light of reducing resources.

The Partnership Working Group identified the formation of a new IDB as the preferred technical option. There were issues regarding special levy funding for contributing lower-tier local authorities. There would be a formal ballot required of farmers and landowners covered by the IDB who would pay drainage rates. Other local arrangements might be possible, although they would not offer a coordinated approach across the flat, low lying area.

In the early summer the EA would be holding meetings with those people benefiting from pumps, and then would start work to identify what improvement work was needed for the pumping stations or to identify work to decommission the pumps and return the sites to a safe. By 2017 work would either be complete to hand over pumps to others, or, cease operating pumps and complete decommissioning work.

Councillors were invited to ask questions and raise any comments in relation land drainage in the Alt-Crossens catchment. County Councillors Janice Hanson and Cynthia Dereli were invited to speak to the meeting during the debate in accordance with Standing Order 19(1).

- The Committee stressed the local and national significance of the agricultural land in the area. The majority of employment in the area was in the agricultural sector, and the impact on the economy and jobs would be devastating in the community. It was also stated that a great deal of relief

work for the land in the area was done by the farming community at no cost to the various public agencies.

- In respect of the Flood Risk Revenue Spend, it was estimated that the revenue spend in the catchment area was around £3million per annum, despite residential property flood risk from main rivers being comparatively low in relation to other parts of Lancashire. There was concern from Members about the 330 properties in this area, although the EA advised that fewer than 10 properties would be at direct risk of flooding should the pumps be turned off, and that. Additional measures would be put in place to protect these properties.
- The problem was who should manage the pumping stations and who should pay the costs of running them. At the moment it was the taxpayers who were paying. With IDBs the money would come from those who benefitted directly, i.e. the farmers and landowners. They would make a payment with the IDBs based on the amount of land they owned. Lower tier local authorities also made a payment for the other wider benefits that the pumping stations provided.
- It was pointed out that where IDBs existed elsewhere in the country the Government refunded local authorities, but that the current rules prevented this from happening for newly established IDBs such as would be required in West Lancashire. It was understood that the funding formula for the creation of IDBs would be reinstated in 2020.
- The saving to the EA that would come with their not taking responsibility for the pumps would be around £1m.
- Some concerns were raised about the role and function of the Advisory Group, and the role of councillors sitting on it. It was confirmed that the group had been formed following a previous recommendation from the Scrutiny Committee and had terms of reference exactly as requested by the committee at the time. It was felt that there could be a greater role for such a body across Lancashire.
- Members were reassured that the EA had met with and had conversations with many organisations e.g. Network Rail. That were not formally within the Partnership Working Group. However the committee felt that there had not been sufficient consideration of the significant costs that increased flooding risk would bring to the area in terms of the infrastructure and economy.
- Regarding future development and the impact it might have especially with the few major development proposals in West Lancs, the Committee was informed that these were being addressed through the Planning Regime. Within those planning applications there would be strict conditions regarding the amount of run off.

- The concerns of West Lancs were noted in relation to funding for the IDB. Whilst the County Council had made an offer to contribute part of the costs, it was recognised that the main funding would come from West Lancs BC, and that the position of the borough council was that this was unaffordable for them at present, and would require Council Tax to be raised by an amount that would require a local referendum, which itself would be costly.
- The EA informed the Committee that an IDB case came forward the EA had the role of reviewing the business case and making a recommendation to Government. An IDB proposal would only come forward if the local community supported it.
- The committee expressed concern about the proposals outlined by EA, and felt the likely costs to the local economy and community had not been fully taken into account. The Committee identified that there was a need for properly co-ordinated and integrated decisions, and that the saving of £1m identified by the EA in their own budget would have a disproportionately larger impact on the budgets of other public and private services, in relation to agriculture, infrastructure, employment and local services.
- The committee resolved that the EA be requested to withdraw its proposals in relation to the Alt Crossens pumping stations.

In thanking the EA for their attendance and responses to questions, it was recognised that there was much positive partnership working taking place involving the EA, and that important steps had been made in addressing some of the issues in Lancashire connected to flood risk management, with the full involvement of the EA. It was also recognised that the EA, was, like the council and other public sector organisation, under significant resource pressure and was having to make difficult decisions in line with the priorities set for it by Defra.

Resolved: That,

- i. the Environment Agency provide full data on water quality across the Lancashire coast.
- ii. real time monitoring of sewage discharge be introduced all along the Fylde Coast
- iii. A Bite Size Briefing for members on flood risk management arrangements be held, in particular on the "Making Space for Water" arrangements and other partnership groups involved in the process.
- iv. Work by districts to incorporate sustainable drainage considerations in their local plans be supported and encouraged.
- v. the proposals to switch off the pumping stations in the Alt Crossens catchment be withdrawn

- vi. the EA work with the council and other partners to develop revised terms of references for the advisory board, with a view to strengthening its influence and public accountability through greater involvement of locally elected representatives; and that consideration be given to a Lancashire wide advisory board to reflect the recurrence of similar issues across other Lancashire catchments.

5. Work Plan and Task Group Update

A report was presented summarising the work to be undertaken by the Committee in the coming months, including an update on task group work.

Resolved: That the report be noted

6. Urgent Business

None.

7. Date of Next Meeting

It was noted that the next meeting of the Committee would be on Friday 13 March 2015, at 10.30 at the County Hall, Preston.

I Young
County Secretary and Solicitor

County Hall
Preston