

Minutes of the Slowing the Flow at Pickering Project - Wider Programme Delivery Group Meeting. Held at FC North York Moors Office, Outgang Road, Pickering, YO18 7EL on 15th June 2011

Present:

Vince Carter (Forestry Commission (FC))
Linda Cowling (Ryedale District Council (RDC))
Gordon Clitheroe (Pickering Flood Defence Group)
Kathleen Grayston (Pickering Flood Defence Group)
Mike Potter (Ryedale Flood Defence Group)
Jeff Pacey (Environment Agency (EA))
David Rees (Catchment Sensitive Farming Officer)
Neil Hugill (NYM Railway)
Kim Andrew (EA)
Lucy Huckson (EA)
Jon Bates (FC)
Tom Nisbet (Forest Research)
Simon Marrington (FC)
Rachel Pickering (North York Moors National Park Authority)
Mark Young (North Yorkshire County Council)

Apologies:

Craig McGarvey (EA)
Don Davies (RDC)
Mick Hoban (FC)
Justine Clark (Natural England (NE))
David Steel and Faye Gonzalez (Smiths Gore)
Howard Keal

1. Welcome and Introductions

VC welcomed everyone to the meeting and thanked them for attending. After introductions the EA were asked to update the meeting on the current situation.

2. Bunded Storage Update

KA gave a brief overview of latest developments concerning the bunded storage measure and described how the design has had to be revised to meet safety concerns. LH reminded everyone of how we had reached this point. She stated that a Briefing Paper summarising events had been presented to the Programme Board this morning and there had been a number of meetings with RDC over the last week to explain the situation.

During her recap of the project LH outlined the key constraints affecting the bund design, which were principally the presence of the NYM Railway (which had to be protected from flooding) and the deep nature of the river channel, which made it difficult to divert flood waters into the bunds. The EA had been aware from the start that the scheme would fall within the Reservoirs Act but based on the information available at the time had believed that a lower cost design would be acceptable.

A Reservoir Engineer was appointed in September 2010. His initial assessment confirmed that the reservoir would be classed as a Category A reservoir, but that due to the presence of the NYMR a lower design standard was appropriate (to withstand a 1:3,000 year flood event) . RDC and the Regional Flood Defence Committee agreed to fund the additional cost of amendments to the design to meet this standard. Following further discussions and modelling work requested by the Reservoir Engineer, he concluded at the end of March 2011 that the scheme would need to meet a higher

design standard than originally expected (to withstand a 1:10,000 year flood event) because of the potential impact on the community at Newbridge if the bunds failed.

A second opinion was sought and on 31st May 2011 this confirmed the first Reservoir Engineer's conclusion that the bunds would have to meet the higher 1:10,000 design standard. This greatly increased the cost resulting in a considerable gap in funding. LH expressed her great disappointment at this major setback to the project.

LC stated that the only thing stopping progress is lack of money. RDC are lobbying and asking Government for help with making up the shortfall in funding – she said “the worst thing would be to give up now”. MP criticised the EA for not keeping the Programme Board and Programme Delivery Group informed about the modelling and assessment work by the Engineer and the potential implications for the bund design and cost. Earlier notification of these problems would have provided more time to lobby for changes and develop back-up plans. He also raised the anomaly of designing a scheme to protect Pickering from a 1 in 25 year event but having to ensure that the bunds themselves would not fail during a 1 in 10,000 year event. He pointed out that during the 2007 flood, which was regarded as a 1 in 100 year event, the flood waters had virtually backed up to the proposed bund location, questioning how a failure of the bunds could influence a more severe flood event.

It was stated that Anne McIntosh MP was very concerned about the problem with the bunds. LH pointed out that Craig McGarvey would be raising the issue with Richard Benyon, Defra Minister for the Natural Environment, this afternoon.

VC then gave a summary of the discussions at the Programme Board meeting and a copy of the tabled Briefing Note was circulated for information. He summarised 4 main actions:

- **Impact of the current Reservoir Act guidelines** – EA to discuss this with Defra.
- **Alternative locations for constructing bunds** – EA to look again at all of the original 10 locations proposed by the RFRG for bunds. Three of these were discounted before because of a lack of LiDAR data but a new survey has been commissioned and should address this issue. The potential for building smaller bunds at some or all of the 10 sites will also be considered.
- **Other land management options** - FC, Natural England and NYMNPAs to look in more detail at the scope for extending the other land management options for reducing flood risk.
- **Relative effectiveness of the different components of the project in helping to reduce flood risk** – the relative contributions of the different elements of the programme need to be better understood. This will require further modelling work to be undertaken in an effort to integrate the results of the Overflow model with those of the bund model. The possibility of an Intellectual Property Rights issue over access to the Durham 'Overflow' model was raised and would be explored with Nick Odoni. While the modelling work should be completed in a matter of weeks, it will take much longer (probably many years) to evaluate the full impact of the implemented land management measures in the field.

JB asked what would happen to the funding that had been pledged by RDC for the bunds. LC stated that RDC would keep the money for the project for as long as possible. None of the money has been touched yet but there is increasing pressure from other Council priorities for capital investment.

MP asked how the new design would add £2 million to the cost. LH stated that the 1:10,000 standard required the bunds to be both higher and wider in order to withstand the increased flood flows. Unfortunately, although the bunds might increase in height to a maximum of 4 m in some places, this would not increase the overall storage capacity because the spillway level would remain the same. LH stated that EA hadn't withdrawn the planning application and this was due to be considered by North Yorkshire County Council this week.

JB and TN asked what had made the Engineer change his mind. LH responded by saying it was based on the results of the hydrological modelling; the Engineer had asked for new modelling to be undertaken as the scheme had developed. The Engineer has to take account of the Reservoirs Act of

1975 and the "Floods, Reservoir and Safety Guidance" publication. TN made the point that the guidance is not statutory and the Engineers are not obliged to follow it to the letter. LH commented that it would be unwise for the Engineers to ignore the guidance, and that the EA as the regulator on reservoirs could not go against the guidance.

LC made the point that if the bund construction was not to go ahead, RDC could still utilize the £1 million to help Pickering in some way with the floods issue. TN thought that using smaller bunds would be better than using none at all. NH felt that we should not dwell too much on the past but look at positive ways of moving forward – MP agreed but felt that we do need to learn lessons to avoid recurring problems.

The EA will investigate if there is any way of reducing the costs for constructing the bunds to meet the 1 in 10,000 year design standard without compromising safety, as well as reassess the other bund locations proposed by the Ryedale Flood Research Group. MP felt the £1 million from RDC should be utilized for flood management and TN thought that a series of smaller bunds each below the 10,000 m³ threshold might be workable within budget.

TN outlined that there is a trial taking place on FC land in the River Seven catchment of the effectiveness of mini bunds for flood storage, funded by the EA, FC and Defra. Two mini bunds will be constructed in August 2011 but it will be at least a few years before we know how useful these are, depending on the occurrence of future flood flows. SM stated that the local community would want quicker action and thought that efforts should focus on using the new LiDAR data to re-examine the original 10 bund sites. MP agreed and felt that we needed a better idea of the timescale involved but VC noted that it was difficult to determine this at this stage. LH stated that people are already working on two of the options but that help would be needed from partners regarding finding alternative land management sites.

Further discussion took place in connection with:

- The impact of Ropery Bridge on flooding in Pickering.
- GC mentioned that Yorkshire Water had abandoned the use of the storm flow flaps many years ago and these don't work anymore, consequently water is diverted to the sewage works.
- JB asked about the Reservoirs Act in relation to the present 25,000 m³ threshold – and the planned amendment to reduce this to 10,000 m³. Another amendment to the Act will be the adoption of a more risk based approach to managing reservoir safety. A Defra team is currently working on this issue.
- RP asked about the other potential bund sites and LH said that the original 10 sites would be reassessed.
- MY stated that although it had been the hope of the group to "do something different" on managing flood risk, if this is not possible then we should look at more traditional methods. MP agreed that although it would be good to do something innovative, protection from floods is of primary importance for the people of Pickering.
- It was stated that other parts of the country could benefit from the research work and adapt the approach to their own circumstances.

3. Phase 2 – Tom Nisbet, Forest Research

TN stated that Defra have approved additional funding of £235k over a 4 year period. This funding is to cover 4 areas of work:

- (i) Efforts to try and achieve full implementation of the original planned measures, including funding for Simon to continue working on the project for 1 day a week.
- (ii) The on-going monitoring, data collection and modelling.
- (iii) Extending the existing measures, e.g. more woodland planting, farm scale work, debris dams and drain restoration.

- (iv) Continuing communication and dissemination work, including publishing and promoting what has been achieved to date, hosting visits, and maintaining the website.

FR will also continue to develop and refine the ecosystem services cost benefit analysis.

The final report from the first phase of the project has been written up and now signed off by Defra. It will be published on the Slowing the Flow website, along with the appendices.

RP was asked if her role still involved any work for NE – she said that this was not the case as she is no longer part funded by them. MP expressed concern over the seeming lack of commitment of NE and their opposition to larger scale riparian woodland planting. VC explained that Peter Welsh from Natural England has retired, VC to discuss with David Shaw about future NE representation on the board. VC said that FC and NE would work closely together to explore all options for further land management actions, but that the existing regulatory framework could not be ignored.

MP wanted to know “Who here can apply pressure? What can any of us purposefully do to make a difference? Should we write to our MPs? Can the EA apply pressure?” LH said that the EA are internally applying pressure. LC made the point that rate payers’ money is helping the scheme through the money allocated by RDC which is a very large sum for a small council.

4. Secretary of State Visit

The Secretary of State had visited the project area on 19th May. The visit went well and there was positive feedback. Defra had put out press releases afterwards. One of these covered the funding of phase 2.

The EA have several meetings arranged to discuss the current situation, including meeting the Mayor of Pickering, RDC and the Town Council.

5. Any Other Business

VC confirmed that he would give feedback from this Group to Defra along the following lines:

- The preference is to seek flexibility in the interpretation of the Reservoir Act regulations and associated guidance in order to allow the scheme to go ahead as originally designed.
- If this fails, look for additional funding to meet the cost of the higher 1:10,000 year design standard.
- Support will be sought from all partners to explore other options.

The meeting asked for the Group’s thanks to be passed to Defra for their continued financial support. The EA will keep this Group informed about developments through regular updates. A Programme Board Meeting has been scheduled for 12 months time.

VC thanked everyone for attending the meeting at such short notice.