

Pecyn Dogfennau Cyhoeddus

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 E-bost: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 21 Mawrth 2018

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Craffu Adfywio a'r Amgylchedd** yn cael ei gynnal yn **Ystafell Sirhywi, Tŷ Penallta, Tredomen, Ystrad Mynach** am **Dydd Mawrth, 27ain Mawrth, 2018** ar **5.30 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Yr eiddoch yn gywir,

Christina Harrhy
YR EIDDOCH YN GYWIR

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb.
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



I gymeradwyo a llofnodi'r cofnodion canlynol:-

- | | | |
|---|--|--------|
| 3 | Pwyllgor Craffu Adfywio a'r Amgylchedd a gynhaliwyd ar 13eg Chwefror 2018. | 1 - 8 |
| 4 | Ystyried unrhyw fater a gyfeiriwyd at y Pwyllgor hwn yn unol â'r drefn galw i mewn. | |
| 5 | I dderbyn adroddiad llafar gan yr Aelod(au) Cabinet. | |
| 6 | Rhaglen Waith y Dyfodol Pwyllgor Craffu Adfywio a'r Amgylchedd. | 9 - 20 |
| 7 | I dderbyn ac ystyried yr adroddiadau* Cabinet canlynol:- <ol style="list-style-type: none">1. Dad-droseddu Parcio - Adroddiad Cam 1 - 28ain Chwefror 2018;2. Cyfleoedd Cyllid Cronfa Datblygu Rhanbarthol Ewrop 4.4 - Ystâd Ddiwydiannol y Lawnt, Rhymni a Ty Du, Nelson - 28ain Chwefror 2018;3. Strategaeth Adfywio Drafft Bwrdeistref Sirol Caerffili - Sylfaen am Lwyddiant 2018-2023 Atodwyd Gan Uwchgynllun Drafft Basn Caerffili - 14eg Mawrth 2018;4. Canolfan Gymunedol Arfaethedig yn Tŷ Sign, Rhisga i gymryd lle Canolfan Gymunedol Channel View - 14eg Mawrth 2018;5. Gwaredu Tir yn Lôn y Parc, Caerffili (WEDI EITHRIO) - 14eg Mawrth 2018. | |

**Os oes aelod o'r Pwyllgor Craffu yn dymuno i yr adroddiad Cabinet uchod i gael eu dwyn ymlaen ar gyfer adolygiad yn y cyfarfod, cysylltwch â Rebecca Barrett, 01443 864245, erbyn 10.00 a.m. ar ddydd Llun, 26ain Mawrth 2018.*

I dderbyn ac ystyried yr adroddiadau Craffu canlynol:-

- | | | |
|----|---|---------|
| 8 | Adolygiad Gwastraff - Aelodaeth a Chwmpas Gweithgor Craffu. | 21 - 24 |
| 9 | Gweithredu'r Corff Cymeradwyo Systemau Draenio Cynaliadwy. | 25 - 30 |
| 10 | Gweithredu Is-ddeddfau Draenio Tir Llywodraeth Cymru. | 31 - 48 |

Cylchrediad:

Cynghorwyr J. Bevan, D.T. Davies (Cadeirydd), C. Elsbury, Mrs C. Forehead (Is Gadeirydd), R.W. Gough, A.G. Higgs, A. Hussey, S. Kent, Ms P. Leonard, J. Ridgewell, J. Scriven, G. Simmonds, A. Whitcombe, T.J. Williams, W. Williams a B. Zaplatynski

A Swyddogion Priodol



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 13TH FEBRUARY 2018 AT 5.30 P.M.

PRESENT:

Councillor D.T. Davies - Chair

Councillors:

C. Elsbury, A. Hussey, S. Kent, J. Ridgewell, J. Scriven, G. Simmonds, A. Whitcombe,
T.J. Williams and W. Williams

Cabinet Members:

N. George (Neighbourhood Services), S. Morgan (Economy, Infrastructure, Sustainability and Wellbeing of Future Generations Champion), Mrs E. Stenner (Environment and Public Protection)

Together with:

M.S. Williams (Interim Corporate Director of Communities), R. Hartshorn (Head of Policy and Public Protection), M. Headington (Green Spaces and Transport Services Manager), H. Jones (Principal Waste Management Officer), M. Lloyd (Acting Head of Engineering Services), R. Kyte (Team Leader Strategic & Development Planning), T. Stephens (Interim Head of Planning), T. White (Waste Strategy and Operations Manager), L. Lane (Corporate Solicitor), C. Forbes-Thompson (Interim Head of Democratic Services) and R. Barrett (Committee Services Officer)

Also Present:

Councillor K. Etheridge (Blackwood Local Ward Member)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, Mrs C. Forehead (Vice-Chair), R.W. Gough, A.G. Higgs, Ms P. Leonard and B. Zaplatynski.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 12TH DECEMBER 2017

RESOLVED that the minutes of the Regeneration and Environment Scrutiny Committee meeting held on 12th December 2017 (minute nos. 1 - 12) be approved as a correct record and signed by the Chair.

4. MINUTES – 13TH DECEMBER 2017

RESOLVED that the minutes of the Special Regeneration and Environment Scrutiny Committee meeting held on 13th December 2017 (minute nos. 1 - 4) be approved as a correct record and signed by the Chair.

5. MINUTES – 18TH JANUARY 2018

RESOLVED that the minutes of the Special Regeneration and Environment Scrutiny Committee meeting held on 18th January 2018 (minute nos. 1 - 3) be approved as a correct record and signed by the Chair.

6. CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

7. REPORT OF THE CABINET MEMBERS

The Scrutiny Committee noted the contents of the reports from Councillors N. George, Mrs E. Stenner and S. Morgan which provided an update on their respective portfolios, and had been circulated to Members in advance of the meeting.

The report from Councillor N. George (Cabinet Member for Neighbourhood Services) updated Members on the Pride in Your Place Awards 2017, as well as the work of Scrutiny Working Groups. The report from Councillor Mrs E. Stenner (Cabinet Member for Environment and Public Protection) provided an update on Development Management and Strategic Planning, including preparations surrounding the regional Strategic Development Plan.

The report from Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy, Infrastructure and Sustainability) updated Members on developments across the Engineering Projects Group, Highways Operations Group, Transportation Engineering Group, Welsh Government TAIS tourist enhancement scheme, local tourism, the WG Targeted Regeneration Investment Programme, the Welsh Government Economic Action Plan, and the Regeneration Strategy and Caerphilly Basin Masterplan to be considered later in the meeting.

In referring to Councillor S. Morgan's report, a Member queried whether a road traffic impact assessment had been carried out in the area surrounding the Pwll y Pant roundabout improvements. The Cabinet Member confirmed that he would consult with Officers following the meeting and respond to the Member in due course.

The Cabinet Members were thanked for their reports.

8. REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE FORWARD WORK PROGRAMME

Cath Forbes-Thompson (Interim Head of Democratic Services) presented the report, which outlined details of the Regeneration and Environment Scrutiny Committee Forward Work Programme (FWP) for the period February 2018 to July 2018. The Scrutiny Committee were asked to consider the FWP alongside the Cabinet Work Programme as appended to the report and suggest any changes prior to it being finalised and published on the Council's website.

It was noted that the agenda would be lighter than anticipated on 27th March 2018 due to changing scope for the Waste Review report. In view of this, the Scrutiny Committee agreed to the scheduling of two additional reports for this date: Land Drainage Byelaws, and Sustainable Urban Drainage – Legislation Changes. The Scrutiny Committee also agreed that the Review of Town Centre Management and Event Programme report scheduled for 15th May 2018 be split into two reports to allow ease of consideration for each item.

Members were reminded that a workshop to consider and agree the Committee's forward work programme for the year ahead will be held in May 2018, and were encouraged to make every effort to attend. In addition, the Chair referred to the potential for site visits ahead of several future agenda items and stressed the importance of Member support when such visits are being arranged by Officers.

Subject to the foregoing additions, it was unanimously agreed that the revised Forward Work Programme be published on the Council's website.

9. APPOINTMENT - MARK S. WILLIAMS

The Scrutiny Committee congratulated Mr Mark S. Williams on his recent appointment to the post of Interim Corporate Director of Communities.

10. CABINET REPORTS

The Cabinet report listed on the agenda had not been called forward for discussion at the meeting.

11. NOTICE OF MOTION – PROVISION OF RECYCLE BINS TO RESIDENTS

Consideration was given to the Notice of Motion submitted by Councillor K. Etheridge, which at his request, had been deferred from the Scrutiny Committee of 12th December 2018.

Councillor Etheridge presented his Notice of Motion, which called for current recycle bin policy to be amended "to take into consideration vulnerable people who have never received a recycle bin provided by the Authority, and one is provided on request free of charge only in exceptional circumstances". Councillor Etheridge explained that 'statements of truth' were completed by two elderly disabled residents in support of their circumstances, and he called for the policy to show a more sympathetic and reasonable approach to residents in exceptional circumstances regarding replacement bins. He also referred to the Scrutiny Committee meeting of 13th December 2016, during which it was resolved that the current charging policy for replacement bins be retained and the option of issuing second hand containers at a lower price be explored further by relevant Members and Officers.

In responding to the representations from Councillor Etheridge, Officers confirmed that over 50,000 households were issued with a brown recycling bin free of charge upon introduction in 2009, and that a charge for replacements has only been levied since Medium Term Financial

Plan savings came into effect in the last few years. It was explained that the charging policy is equally applied to all residents and not open to interpretation, and that it could be very difficult for the Authority to define and determine “exceptional circumstances”. Members were reminded of the £60k savings that had been achieved by removing the provision for free replacement bins, and it was emphasised that it would not be feasible to incorporate any changes to the charging regime into the budget proposals in time for presentation to Council the following week.

Several Members commented on the policy of charging for a replacement bin even if the original is stolen. In response to queries on replacement costs and the number of replacements issued, it was confirmed that a £25 charge is levied for replacements and that the number of replacement requests has significantly decreased compared to when free replacements were being offered. Members were also reminded that residents may put out recycling in clear sacks or the older-style purple recycling boxes if they do not wish to pay for a replacement bin. A Member suggested that there was scope to examine a means-tested approach towards the charging regime for recycling bins and Officers outlined the added bureaucracy and transaction costs that could arise from this process.

Having considered the Notice of Motion, it was moved and seconded that a further report be prepared to examine the financial implications on a means tested approach towards the charging regime for replacement recycling bins. By a show of hands this was unanimously agreed.

RESOLVED that a further report be prepared for consideration by the Regeneration and Environment Scrutiny Committee to examine the financial implications on a means tested approach towards the charging regime for replacement recycling bins.

REPORTS OF OFFICERS

Consideration was given to the following reports.

12. DELIVERY OF “STREETSCENE” SERVICES IN CAERPHILLY COUNTY BOROUGH – MEMBERSHIP AND SCOPE OF SCRUTINY WORKING GROUP

Mark S. Williams (Interim Corporate Director of Communities) introduced the report, which sought the views of the Scrutiny Committee on the establishment and scope of a cross-party Scrutiny Working Group to examine the delivery of “streetscene” services such as grounds/green space maintenance and cleansing.

Members were advised that due to reducing budgets across these services over the past few years and likely future pressure on the Authority’s finances, there is a need to consider the relevant importance of these services to the Council and its electorate and also consider whether specific elements of these services should take priority over other parts of the service. This exercise will culminate in a recommendation to the full Scrutiny Committee and then Cabinet, and will enable a cross-party, member-driven strategic approach to be taken in the future financing and delivery of these key front-line services. Members were therefore asked to give consideration to the membership of the Scrutiny Working Group, scope of its work programme and timescale for reporting the outcome back to the full Scrutiny Committee.

Presentations were received from T. White (Waste Strategy and Operations Manager) and Mike Headington (Green Spaces and Transport Services Manager) on the current methods of service delivery for key “streetscene” services across their respective service areas. Members noted the details of the services provided, budgetary pressures, staffing structure, geographical spread and customer satisfaction levels across both areas. Within Waste Strategy and Operations, Officers outlined cleansing statistics and standards, details of budgetary considerations and pressures, key spend areas, and details of partnership working.

Across Green Spaces and Transport Services, an overview of parks and countryside operations was given, including the service remit and frequency of grass cutting programme, and the management of green spaces, country parks and nature conservational areas. The Scrutiny Committee were also provided with an overview of cemetery management and future development plans, as well as the management of war memorials and allotments across the county borough.

Officers responded to queries in relation to fly tipping and the disposal of waste collected by partner agencies, and it was also confirmed that the Authority does not send any waste directly to landfill. Members discussed the Council's remit regarding the management of bowling greens. In response to a query regarding the reduction in posts across the streetscene service areas, Officers explained that these had occurred through processes such as retirement and vacancy management.

Discussion took place regarding the establishment of the Scrutiny Working Group. It was confirmed that these meetings would take the form of daytime sessions and that the relevant Head of Service / Service Manager would liaise with Working Group Members regarding the specifics of timescales, scope of services to be examined and scope of work for the Group.

Nominations to the Group were sought and received from Councillors J. Ridgewell, T.J. Williams, W. Williams, A. Hussey and J. Scriven, and a nomination was also received for Councillor R.W. Gough in his absence. The Chair asked that Councillor Gough and the other Scrutiny Committee Members not in attendance be contacted following the meeting, to determine whether they would be interested in joining the Working Group.

A Member requested that feedback from the Group be reported to the Scrutiny Committee and it was confirmed that a report would be presented in June 2018 to detail the outcome and findings of the Working Group.

The Officers were thanked for their presentations and for responding to the queries raised during the course of the debate.

13. CAERPHILLY COUNTY BOROUGH DRAFT REGENERATION STRATEGY – A FOUNDATION FOR SUCCESS 2018-2023 SUPPLEMENTED BY THE DRAFT CAERPHILLY BASIN MASTERPLAN

Tim Stephens (Interim Head of Planning) and Rhian Kyte (Team Leader Strategic & Development Planning) presented the report, which sought Members' views on the Draft Regeneration Strategy entitled 'A Foundation for Success 2018-2023' and the Draft Caerphilly Basin Masterplan, prior to presentation of these documents to Cabinet for approval to carry out a public consultation exercise.

Members were advised that in order to benefit from the transformative change in the wider Cardiff Capital Region with the investment of City Deal, the Valleys Taskforce and further funding streams, it is necessary to set out the strategic priorities for the regeneration and enhancement of Caerphilly County Borough. This involves identifying opportunities that will make it more prosperous, healthier, resilient and equal, setting priorities that align and enhance regional work and are readily capable of being realised.

The Draft Regeneration Strategy has been developed as an overarching document to set out and achieve these aims and will be underpinned by a number of other documents, including the Draft Caerphilly Basin Masterplan, which sets out the future development and regeneration opportunities proposed for the Caerphilly town centre within the context of the wider Caerphilly Basin. The Draft Regeneration Strategy concentrates on 4 strategic themes (Supporting People, Supporting Business, Supporting Quality of Life, and Connecting People and Places) which set out the broad principles for regeneration and the strategic priorities to be tackled. Officers outlined examples of how these could be achieved. The Draft

Regeneration Strategy also acknowledges the challenges that face the County Borough, seeks to identify the actions and delivery mechanisms required to address key issues, and places an emphasis on partnership working.

Members noted that subject to Cabinet endorsement, it was intended to undertake a 4-week public consultation exercise on the Draft Regeneration Strategy and Draft Caerphilly Basin Masterplan (from 26th March 2018 to 24th April 2018). A copy of both documents were appended to the report.

Detailed discussion took place on the contents of the Draft Regeneration Strategy and it was agreed that Officers would respond to Members directly on a number of in-depth queries following the meeting. Members referenced a need to improve educational achievement and highway infrastructure across the county borough and sought clarification on the intended lead agencies for these areas. Officers explained that the Draft Regeneration Strategy places a focus on multi-sector working and for agencies to work together to implement such improvements. Officers responded to queries regarding similar strategies in the past and the outcomes and actions that have been generated as a result. It was explained that the new Regeneration Strategy is intended to fill the identified gaps and take a partnership approach towards meeting these aims, including the proposed establishment of a Board to co-ordinate and take forward the actions identified in the Draft Strategy.

Concerns were expressed that some proposals contained within the Draft Regeneration Strategy (such as the development of a Caerphilly South East Bypass) could potentially conflict with the Draft Outline Regional Transport Strategy, the Council's Local Development Plan and Air Quality Action Plan. It was emphasised that the Draft Outline Regional Transport Strategy represents a regional approach whereas the Draft Regeneration Strategy concentrates on a more county-wide approach. It was also explained to Members that the Draft Regeneration Strategy reflects the current adopted Local Development Plan and Air Quality Action Plan and that a number of proposals contained within the Draft Strategy may be reconsidered moving forward.

Discussion also took place regarding the Draft Caerphilly Basin Masterplan, and Officers outlined the series of Strategic Objectives which will drive the delivery for the vision of the town and translate directly into a series of projects and actions. In response to Members' queries, it was explained that the Draft Masterplan seeks to harness the opportunities arising from the City Deal Investment Fund and will also incorporate the areas surrounding Caerphilly. It was explained that the Masterplan will be complemented by a number of other strategies, such as the Welsh Housing Quality Standard and future regional Strategic Development Plan, and Officers also provided further information on how potential City Deal funding could potentially be utilised in order to help deliver some of the proposals contained within the document

Reference was made to the consultation process and Officers confirmed that following ratification by Cabinet and a period of public consultation, the proposals within both the Draft Regeneration Strategy and Draft Masterplan would be revised to take into account comments received and reported to Council. Members expressed concerns that a 4-week period of consultation might not be sufficient for interested parties to fully examine the sizeable draft documents.

Following discussion on this matter, it was moved and seconded and unanimously agreed that an extended consultation period for both documents (from 4 weeks to 6 weeks) be recommended to Cabinet.

Following consideration of the report, and subject to the foregoing amendment in respect of the consultation period, it was moved and seconded that the following recommendations be forwarded to Cabinet for approval. Members took a vote on each of the recommendations in turn and by a show of hands and the majority present (and in noting there were 3 against with 1 abstention), it was

RECOMMENDED to Cabinet that for the reasons contained therein, the Draft Regeneration Strategy 'A Foundation for Success 2018-2023' be endorsed by Cabinet as the basis for a public consultation exercise commencing 26th March 2018 for a period of 6 weeks.

By a show of hands (and in noting there were 4 against with 1 abstention) and following the casting vote of the Chair it was

RECOMMENDED to Cabinet that for the reasons contained therein, the Draft Caerphilly Basin Masterplan be endorsed as the basis for a public consultation exercise commencing 26th March 2018 for a period of 6 weeks.

14. DRAFT OUTLINE REGIONAL TRANSPORT STRATEGY

Marcus Lloyd (Acting Head of Engineering Services) presented the report, which asked Members to consider the draft Cardiff Capital Region - Outline Regional Transport Strategy (appended to the report), along with the consultation document issued by the Cardiff Capital Region Transport Authority (CCRTA).

Members were advised that the role of the CCTRA is to lead the delivery of the transport vision for the region and this draft outline strategy is considered a key step towards its realisation. The strategy provides a baseline on which to develop and assess plans, programmes and projects in support of the City Deal, and for partnership working with Welsh Government, Local Authorities, Transport for Wales, industry partners and other key stakeholders. The consultation will allow all key stakeholders to ensure that their objectives are considered and that the consultation will allow the strategy to be informed and refined from the stakeholder knowledge and expertise.

The Scrutiny Committee were referred to the Draft Strategy as appended to the report, which also listed short-term actions to progress the Strategic Priority interventions, and a draft pipeline of transport schemes. It was explained that the purpose of the consultation exercise is to identify whether there is stakeholder agreement with the transport objectives, the proposed Strategic Priority Interventions and the short term actions to progress these actions. The stakeholder consultation questions were included in Appendix B to the strategy and Members noted the closing date of 23rd March 2018.

Discussion took place regarding the need for sustainable and accessible transport across the county borough to access central areas such as Cardiff, and Officers confirmed that these are being examined under the aims of the South Wales Metro scheme, which will look at improving Park and Ride links and highway network connections and place an emphasis on regional working. Officers provided an update on the tender process in relation to the Metro scheme and clarification on the bid criteria. Members expressed a need for a rail link to Newport and it was confirmed that this is being considered as part of the Metro scheme. Members queried progress in respect of electrification works by 2040 and Officers confirmed that this is being examined to determine whether this is achievable. Members also expressed a need for affordable rail travel as an incentive to reduce car usage.

Following discussion on the report, the Scrutiny Committee supported the Draft Strategy in principle but felt it would be beneficial to seek the views of all Members within the county borough on the stakeholder consultation questions. It was agreed that the Cabinet Member for Economy, Infrastructure and Sustainability would arrange to circulate the Strategy documents and stakeholder questions to all Members in order to seek their views and to enable an overall response to be produced on behalf of the Authority in accordance with the prescribed closing date.

The meeting closed at 7.25 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 27th March 2018, they were signed by the Chair.

CHAIR



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 27TH MARCH 2018

**SUBJECT: REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE
FORWARD WORK PROGRAMME**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

1.1 To report the Regeneration and Environment Scrutiny Committee Forward Work Programme.

2. SUMMARY

2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholders.

3. LINKS TO STRATEGY

3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation. The Forward Work Programmes contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016 by ensuring there is an effective scrutiny function and that council policies are scrutinised against the following goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

4. THE REPORT

4.1 The Regeneration and Environment Scrutiny Committee forward work programme includes all reports that were identified at the scrutiny committee meeting on 13th February 2018. The work programme outlines the reports planned for the period March 2018 to June 2018.

4.2 The forward work programme is made up of reports identified by officers and members and has been prioritised into three priority areas, priority 1, 2 or 3. Members are asked to consider the work programme alongside the cabinet work programme and suggest any changes before it is published on the council website. Scrutiny committee will review this work programme at every meeting going forward alongside any changes to the cabinet work programme or report requests.

4.3 The Regeneration and Environment Scrutiny Committee Forward Work Programme is attached at Appendix 1. The Cabinet Forward Work Programme is attached at Appendix 2.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the well-being goals as set out in links to strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in that by ensuring the scrutiny function is effective when reviewing services and policies and ensure it considers the wellbeing goals.

6. EQUALITIES IMPLICATIONS

6.1 There are no specific equalities implications arising as a result of this report.

7. FINANCIAL IMPLICATIONS

7.1 There are no specific financial implications arising as a result of this report.

8. PERSONNEL IMPLICATIONS

8.1 There are no specific personnel implications arising as a result of this report.

9. CONSULTATIONS

9.1 There are no consultation responses that have not been included in this report.

10. RECOMMENDATIONS

10.1 That Members consider any changes and agree the final forward work programme prior to publication.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To improve the operation of scrutiny.

12. STATUTORY POWER

12.1 The Local Government Act 2000.

Author: Charlotte Evans, Interim Scrutiny Officer

Consultees: Catherine Forbes-Thompson, Interim Head of Democratic Services
Mark S. Williams, Interim Corporate Director of Communities
Richard Harris, Internal Audit Manager & Acting Deputy Monitoring Officer.

Appendices:

Appendix 1 Regeneration and Environment Scrutiny Committee Forward Work Programme.
Appendix 2 Cabinet Work Programme.

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Regeneration & Environment Scrutiny Committee Forward Work Programme March 2018 to July 2018			
Meeting Date: 27th March 2018			
Subject	Purpose	Key Issues	Witnesses
Waste Review (P1)	To consider various options of delivery following the detailed option appraisal carried out by WG consultants.	Consideration of each model in terms of budget and recycling performance and a view is sought from the committee on any preferences.	Mark S Williams
Land Drainage Byelaws	For consideration prior to report being submitted to Full Council.	Since undertaking the Flood Water Management Act 2010 Local Authorities have noted some powers are limited and other activities are not consented. To address this Welsh Government updated the Byelaws under Section 66 of the Land Drainage Act. This report seeks approval to implement these Land Drainage Byelaws as Recommended by Welsh Government.	Marcus Lloyd
Sustainable Urban Drainage – Legislation Changes	For consideration prior to report being presented to Cabinet.	To update members regarding the new statutory function CCBC has to establish in regard to a SuDs Approval Body (SAB) under Schedule 3 of the Flood and Water Management Act 2010 and seek Cabinet approval to establish a structure to deliver the SAB.	Marcus Lloyd

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Meeting Date: 15th May 2018			
Subject	Purpose	Key Issues	Witnesses
Local Development Plan (LDP) Update (P2)	To consider the current position of the local development plan and consider a way forward.	To consider a way forward in the context of any regional development of a strategic development plan or equivalent.	Rhian Kyte
Decriminalisation of Parking (P1)	Having previously considered the approach to be taken by the council, this report provides the detail delivery of the enforcement of on street parking across the county borough	To consider the cost, income and resource requirements of delivering on-street parking enforcement as well as the reputation of the council.	Marcus Lloyd
Review Of Town Centre Management	To provide Scrutiny Committee with information and seek views.	To provide Scrutiny Committee with information and seek views on a proposed revision of the Council's current Town Centre Management model and	Dave Whetter

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Meeting Date: 26th June 2018			
Subject	Purpose	Key Issues	Witnesses
Community Centres (P1)	To consider how the community centres are currently operated and to set out a new delivery model in the context of the MTFP.	To consider the current method of delivery, the financial position and the risks and to consider a new delivery model.	Mark S Williams/Jeff Reynolds
Highway Maintenance Plan (P2)	To consider all the procedures that ensure we fulfil our statutory duty, prior to adoption by Cabinet.	To consider the procedures within the plan, check their robustness and ascertain if you are satisfied that they fulfil our statutory duty.	Marcus Lloyd
Street Scene Review (GM, Cleansing, Parks, Cemeteries) (P1)	To consider the Street Scene Review including the outcomes from the Cross Party Working Group.		Christina HARRY.

Regeneration & Environment Scrutiny Committee Forward Work Programme
APPENDIX 1

Date To Be Confirmed			
Subject	Purpose	Key Issues	Witnesses
Leisure Strategy (P1) (Special Meeting of Scrutiny)	To update the Committee on the outcome of the Sport & Leisure Review (s) agreed by the Committee at its June 2016 meeting.	<ul style="list-style-type: none"> • To consider the recommendations of the WAO report. • Next steps in terms of adoption of strategy by the Authority. 	Mark S Williams
Targeted Regeneration Investment Programme (TRIP) (P3)	To consult on the Targeted Regeneration Investment Programme (TRIP) (formally Viable Vibrant Places) grant bid proposals.	The report will outline the Welsh Government TRIP funding criteria and submission timetable which currently waits to be published. It will detail the bid being made by CCBC for funding to engage the local community in a range of social, environmental and economic projects.	Awaiting for confirmation from WG. Anticipated the following officers will attend: Tina McMahon Jane Roberts-Waite Dave Whetter
Local Development Plan Update (October 2018) (P1)	To update the Committee on the position of the Local Development Plan.		Tim Stephens Rhian Kyte
Tourism Venues (P1)	To consider the current operation of tourism venues and their ability to reduce council subsidy, through different operating models.	To consider the current financial position and to consider various options in order to ensure a sustainable financial model over the medium to long term.	Paul Hudson Site Visits
Town Centre Events Programme	To provide Scrutiny Committee with information and seek views.	To provide Scrutiny Committee with information and seek views on a re-profiling of the Town Centre Events Programme	Dave Whetter

(Key P1,2,3,4 – Priority 1,2,3 or 4)

Gadewir y dudalen hon yn wag yn fwiadol

Cabinet Forward Work Programme (Scrutiny)

APPENDIX 2

28TH MARCH 2018	Key Issues	Service Area
EAS Business Plan	To seek members views on the draft EAS Business Plan 2018-2021 and the Local Authority Annex 2018-2019	Education
<ul style="list-style-type: none"> • Data Protection Policy • Records Management Policy • Policy on Public Access to and Requests for Unpublished Information • Information Security Policy 	To seek Cabinet approval for the adoption of the amended versions of the listed policies. The updates are required to meet the forthcoming requirements of the new EU General Data Protection Regulation, reflect industry best practice and underpin our ongoing campaign to assure information security within CCBC.	Information Technology
Pooled Funds	To agree proposals for integrated commissioning 2018-19	Social Services
Pontllanfraith School and Leisure Site		Communities
Welsh Church Act Fund	The report will present proposals to change the level of grants currently awarded through the Welsh Church Act Fund.	Corporate Finance
Bedwas Tip	The report is to consider whether the Council should write to developers advising them that the Council would be willing to open negotiations to allow them to enter its land for the purposes of reclaiming Bedwas Tips.	Communities
Gender Pay Statement	To follow	Human Resources

11TH APRIL 2018	Key Issues	Service Area
CCBC Corporate Plan	The Corporate Plan sets out the Council's Priorities. The Local Government Measure 2009 requires all local authorities in Wales to set and publish a set of priorities as is 'practicably possible' in the new financial year. The introduction of the Well-being of Future Generations (Wales) Act 2015 (WBFGA) also places a legal requirement for public bodies to set and publish 'Well-being Objectives' and publish by a specific date of no later than 31st March 2018.	Public Protection

Cabinet Forward Work Programme (Scrutiny)

APPENDIX 2

The Gwent VAWDASV Strategy	To seek Cabinet approval for the Regional Gwent Violence Against Women, Sexual Violence, & Domestic Abuse Strategy 2017-22. The purpose of this strategy is to set out the regional integrated approach to stop violence against women, domestic abuse and sexual violence, to improve the health and well-being of individuals and families affected by abuse and hold to account those who perpetrate such abuse.	Public Protection

25TH APRIL 2018	Key Issues	Service Area
Programme for Procurement Page 18	The Programme for Procurement sets out the Councils vision for developing and managing its third party expenditure in line with the Councils wellbeing objectives, Wales Procurement Policy and UK legislation. The Council is committed to ensuring it achieves value for money from its third party procurement expenditure – circa, £170,000,000 per annum. It also recognises the value of using procurement to support its wider Cultural, Social, Economic and Environmental objectives, in ways that offer real long-term benefits to the community it serves and the people of Wales, whilst balancing the issues of value for money	Procurement
Rechargeable Repairs and Appeals Panel	To consider revising the way in which requests for second stage formal reviews for rechargeable repairs are considered.	Housing
Bedwellty School Site Playing Fields	To seek the views from Cabinet to declare two football fields situated within the grounds of the former Bedwellty Comprehensive School, Aberbargoed as surplus and commence consultations that could allow the sale of the site for residential development.	Communities
Sustainable Urban Drainage Systems Approval Body (SAB)	To update members regarding the new statutory function CCBC has to establish in regard to a SuDs Approval Body (SAB) under Schedule 3 of the Flood and Water Management Act 2010 and seek Cabinet approval to establish a structure to deliver the SAB.	M. Lloyd
21st Century Schools Consultation	To seek Cabinet endorsement on the proposals contained within the 21st Century Schools and Education Band B Strategic Outline Programme 2019 – 2026	Education

Cabinet Forward Work Programme (Scrutiny)

APPENDIX 2

16TH MAY 2018	Key Issues	Service Area
Sport and Leisure Services - A Strategy for the Future	The report seeks to summarise the work undertaken over the last 12-18 months in relation to an emerging sport and leisure strategy for the authority and seeks cabinet agreement in relation to the detailed parts of the strategy which will lead to its formal adoption.	Leisure Services

20TH MAY 2018	Key Issues	Service Area
Sheltered Housing Schemes – Eastern Valleys Area Remodelling	To provide members with proposals for remodelling a small number of sheltered housing schemes in the eastern valley, in order for members to consider a number of options which may include improvements, remodelling, alternative use and possibly demolition.	Housing
Affordable Homes New Build Proposals	To confirm the new build Council Housing programme, including the preferred delivery option in order for the Council to utilise the Affordable Housing Grant funding that has been allocated to CCBC.	Housing
Review of Town Centre Management	To seek Cabinet approval for revision of the Council's current Town Centre Management model.	D. Whetter
Sport and Leisure Strategy	To seek approval to go to Consultation.	R. Hartshorn

13TH JUNE 2018	Key Issues	Service Area
Equalities and Welsh Language Annual Reports	To update Members on the progress made during the financial year 2017/18 against targets in the Council's current Strategic Equality Plan and Welsh Language Scheme and seek Cabinet approval for submission of the annual monitoring and improvement reports to the relevant commissions before the deadline dates.	Policy
11TH JULY 2018	Key Issues	Service Area

Cabinet Forward Work Programme (Scrutiny)

APPENDIX 2

Corporate Risk Register	To provide an update of the Corporate Risk Register in accordance with the Council's Risk Management Strategy. The updated Corporate Risk Register (CRR) is presented to Audit Committee so there is opportunity for the Committee to satisfy itself that appropriate arrangements are in place for the council's risk management processes to be regularly and robustly monitored and scrutinised.	Public Protection
Street Lighting	To agree a future strategy.	M. Lloyd
Town Centre Events Programme	To agree future strategy for events.	D. Whetter
Pontllanfraith Leisure Centre	To agree the future of the Leisure Centre in the context of the Leisure Review.	M. S. Williams



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 27TH MARCH 2018

**SUBJECT: WASTE REVIEW – MEMBERSHIP AND SCOPE OF SCRUTINY
WORKING GROUP**

REPORT BY: INTERIM CORPORATE DIRECTOR – COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To update members on the Collaborative Change Programme (CCP) and seek the views of the Scrutiny Committee on the establishment of a Cross Party Working Group, the scope of its work programme and timescales for reporting back to the full committee.

2. SUMMARY

- 2.1 The CCP was established by Welsh Government to facilitate the delivery of more sustainable waste management services across Wales by offering strategic and tailored support to assist local authorities in Wales in achieving the outcomes of the Towards Zero Waste Strategy and associated sector plans. Caerphilly has been actively engaged in the CCP since 2015. A series of reviews have been undertaken by Waste Resources Action Programme (WRAP) and their appointed consultants on the key range of Waste Management services including kerbside collection services, household waste recycling centres and waste transfer station/depot infrastructure. These reviews have culminated in a series of reports which have informed a business plan and cost benefit analysis process again undertaken by Consultants appointed by WRAP.
- 2.2 It is proposed that a Cross Party Working Group is established to discuss and review the findings of the workstream reviews plus the cost benefit analysis and report back to the full committee later in the year, prior to consideration by Cabinet and Full Council.

3. LINKS TO STRATEGY

- 3.1 The Well-being of Future Generations Act (Wales) 2015 sets out a number of goals/principles which public bodies must apply in the strategies and services they deliver. These include:-
- A prosperous Wales;
 - A resilient Wales;
 - A healthier Wales;
 - A more equal Wales;
 - A Wales of cohesive Communities;
 - A Wales of vibrant culture and thriving Welsh language;
 - A globally responsible Wales.

The Act requires public bodies to think more about the long-term, work better with local people and communities, prevent problems and take a more joined up approach. The content of this report links into a prosperous Wales, a resilient Wales and a globally responsible Wales.

- 3.2 The Community and Leisure Services Divisional Service Plan contains specific objectives to meet a range of statutory and non-statutory targets. The plan also outlined the division's contribution to the Authority's Medium Term Financial Strategy.
- 3.3 Towards Zero Waste One Wales: One Planet 2010, is the overarching Waste Strategy for Wales which sets out Welsh Government's long term framework for resource efficiency and waste management including high level Statutory Recycling targets and outcomes. In 2011, the strategy was supplemented with a series of sector plans including the Municipal Sector Plan which outlines the Welsh Government's recommended service profile for the collection of waste from households (i.e. the collection blueprint, this being the WG preferred service model).

4. THE REPORT

- 4.1 The Welsh Government Collaborative Change Programme (CCP) offers strategic and tailored support and advice to help local authorities work towards the outcomes of the Towards Zero Waste Strategy. The support covers four key phases:-
- Business Planning Toolkit;
 - Identification of gaps and changes needed to assist in achieving targets;
 - Detailed planning with forward cost forecast;
 - Implementation of the plan.
- 4.2 The Authority has been fully engaged in the process since 2015 and has been allocated support from Welsh Government via the Waste Resources Action Programme (WRAP) and their appointed consultants to undertake service reviews across a range of waste management services i.e.:-
- Kerbside collection (KAT) – Recycling, Organics and Residual Waste (considering alternative collection methods and frequencies);
 - Commercial Waste Collection (considering future pricing options and potential to increase recycling);
 - Household Waste Recycling Centres (considering future number of sites, size of sites and locations);
 - Waste Transfer Station/Depot Infrastructure (considering future WTS and depot requirements).
- 4.3 The final reports for each of the above work streams were received in 2017 and have been taken forward to the business planning stage which identifies the gaps/changes recommended by the Consultants to help achieve future statutory targets.
- 4.4 In recognition of the profile, cost and high satisfaction levels with the Authority's current waste service the review has been included as one of the Authority's Improving Services Projects reporting to the Business Improvement Portfolio Board.
- 4.5 Prior to the findings being presented to full Council, it is proposed that a Cross Party Working Group, with full geographical representation, is established to discuss and consider the initial findings of each of the workstream reviews of the CCP along with the cost benefit analysis. This group will report back to the Regeneration and Environment Scrutiny Committee later in the year, prior to a recommendation being considered by Cabinet and Full Council.
- 4.6 It is proposed that the Scrutiny Committee considers the following:
- (i) Membership of the Working Group;
 - (ii) Timescale for the final report to inform the Forward Work Programme;

- (iii) Scope of work for the Scrutiny Working Group (e.g. financial implications, service delivery options, projected performance, risk analysis, capital investment, consultation and public engagement, and timescales).
- (iv) Timetable for future meetings of the working group.

4.7 It is suggested that the Working Group may want to undertake site visits to view services and infrastructure in other Local Authorities in Wales and/or across the UK so it is proposed that a minimum of 6 meetings would be required. An initial inception meeting for the group has been proposed for 25th April 2018. The group will also need to consider financial implications (including need for Capital Investment in vehicles and infrastructure), service delivery options, performance against Statutory Recycling Targets public consultation etc. and sessions on these topics can be arranged accordingly.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 The delivery of sustainable waste management services contributes to many of the 7 well-being goals but in particular:

(i) A prosperous Wales

The delivery of sustainable waste management services promotes the efficient use of resources and provides employment opportunities to the local communities.

(ii) A resilient Wales

Effective management of our natural and built environment enables the County Borough to contribute to ensuring resilience to our changing climate and global demands for greater care of the environment and its habitats.

(iii) A globally responsible Wales

In the delivery of future waste management services we need to ensure that they make a positive contribution to the global well-being of Wales and have the capacity to respond to change.

6. EQUALITIES IMPLICATIONS

6.1 There are no equalities implications associated with this report.

7. FINANCIAL IMPLICATIONS

7.1 The waste budget is under significant pressure largely due to the increase in recycling processing costs and the reduction in grant allocation. Initially, these pressures were absorbed by the service area, however over the last 2 years £1.6m contingency has been allocated to cover these budget pressures (£800,000 for 2016/17 and £800,000 for 2017/18) plus the service area has deferred replacing vehicles in 2017/18, using almost £400,000 to help balance this years budget. Whilst it was hoped that these measures would assist in balancing next years budget (accepting the vehicle replacement's were only ever deferred and would need funding at some time in the future) this position has now been jeopardised with a late announcement by Welsh Government of a further £270,000 reduction in the 2018/19 funding of the Sustainable Waste Management Grant. In the last few weeks we have also been made aware of an increase in the recycling gate fee by an additional £20 per ton. This is a direct result of a significant downturn in the paper market. The anticipated impact of this is approximately an additional £300,000 per annum.

7.2 There are no financial implications directly associated with this report, although finance (current and future) will be a key consideration for the Scrutiny Working Group.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with the report, although current and future staff resources will be a key consideration for the Scrutiny Working Group.

9. CONSULTATIONS

- 9.1 The consultees listed below have been consulted and their views have been incorporated accordingly.

10. RECOMMENDATIONS

- 10.1 The Regeneration and Environment Scrutiny Committee agree to establish a cross-party working group of approximately 10 Members to discuss and review the initial findings of the CCP.
- 10.2 The Scrutiny Committee is asked to consider the content of the report and agree the following:
- Membership of the Working Group;
 - Timescale of the Groups Final Report;
 - Scope of work for the Group.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To update the Scrutiny Committee on the initial findings of the CCP and to agree the future membership and scope of work for the Scrutiny working group in this regard.

12. STATUTORY POWER

- 12.1 Local Government Acts.
Environmental Protection Act 1990.

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Consultees: Mark S. Williams, Interim Corporate Director Communities
Councillor Nigel George, Cabinet Member for Neighbourhood Services
Councillor Tudor Davies, Chair of Regeneration and Environment Scrutiny Committee
Councillor Christine Forehead – Vice Chair of Regeneration and Environment Scrutiny
Richard Harris, Audit Manager, Deputy Monitoring Officer
Lisa Lane, Corporate Solicitor
Robert Hartshorn, Head of Policy and Public Protection
Cath Forbes-Thompson, Scrutiny Manager
Tony White, Waste Strategy & Operations Manager
Mike Eedy, Finance Manager
Shaun Watkins, Principal Personnel Officer
Anwen Cullinane, Senior Policy Officer



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 27TH MARCH 2018

**SUBJECT: IMPLEMENTATION OF THE SUSTAINABLE DRAINAGE SYSTEMS
APPROVAL BODY (SAB)**

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To update members regarding the new statutory function Caerphilly County Borough Council has to establish in regard to a Sustainable Drainage (SuDs) Approval Body (SAB) under schedule 3 of the Flood and Water Management Act 2010 and to seek Cabinet approval to establish a structure to deliver the SAB.

2. SUMMARY

- 2.1 Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage systems (SuDs). It also requires surface water drainage systems to be approved by a SuDs Approving Body (SAB) before construction work with drainage implications may begin.
- 2.2 The responsibility for delivery of the SAB functions rests with the 22 local authorities in Wales alongside their duties as Lead Local Flood Authority (LLFA) and this function will commence in May 2018 with a proposed transition period of 6 months.

3. LINKS TO STRATEGY

- 3.1 The SAB will contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities, and
 - A globally responsible Wales
- 3.2 The SAB links to the authority's draft Well Being Objective 4: Promote modern, integrated and sustainable transport system that increase opportunity, promotes prosperity and minimises the adverse impacts on the environment.
- 3.3 There are further links to the Engineering Services Division Objectives:
- 3.3.1 To provide safe and efficient transport and land drainage infrastructure through quality service delivered by means of cost effective management, maintenance and improvement of the networks.

- 3.3.2 To develop engineering solutions and methods which have regard to the value of the natural and built environment and to the principle of sustainable development.
- 3.4 The report supports the Prosperous, Safer and Greener themes of the 'Caerphilly Delivers' in the single integrated plan.
- 3.5 Effective regulation and Management of flooding/flood risk promotes sustainable development, which does not exacerbate flooding. This links to the Caerphilly County Borough Council (CCBC) Flood Risk Management Strategy and Plan.

4. THE REPORT

- 4.1 Surface water flooding is a serious problem, identified in the National Strategy for Flood and Coastal Erosion Risk Management as a major cause of flooding of homes. The impact on citizens, communities and cost to the Welsh economy is significant. The risk of flooding is on the rise owing to climate change and urbanisation. Local flooding, due to the overloading of volume constrained drainage systems and sewers, is also of increasing concern.
- 4.2 Under the terms of the Flood and Water Management Act 2010, the Lead Local Flood Authorities are responsible for local flood risk which includes that from surface water, ground water and ordinary watercourses.
- 4.3 Surface water runoff can be an important source of diffuse pollution. The potential damage to our groundwater and rivers from polluted surface water runoff increases with each new development.
- 4.4 There are currently lost opportunity costs where the drainage design fails to deliver multiple benefits (for example amenity and biodiversity) beyond simple surface water management.
- 4.5 Schedule 3 of the Flood and Water Management Act 2010 requires surface water drainage for new developments to comply with mandatory National Standards for Sustainable Drainage Systems (SuDs). It also requires surface water drainage systems to be approved by a SuDs Approving Body (SAB) before construction work with drainage implications may begin. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDs that service more than one property. This can remove uncertainty over the design and adoption of surface water drainage for new developments which previously hampered developments.
- 4.6 The responsibility for delivery of the SAB functions rests with the 22 local authorities in Wales alongside their duties as Lead Local Flood Authority and this function will be commencing in May 2018 with a proposed transition period of 6 months.
- 4.7 In order to deliver the aims of the Act, there are requirements to:
- make unitary authorities in Wales the responsible SuDs Approving Body (the SAB) to approve new drainage systems before construction can commence.
 - requires the SAB, where appropriate, to adopt drainage systems serving multiple properties, making it responsible for ensuring a surface water drainage system adopted by the SAB is maintained in accordance with the mandatory National Standards.
 - enables secondary legislation to be made relating to various matters concerning approval and adoption.
 - establishes the role of statutory consultees in the approval process.
- 4.8 The SAB is an independent body within the local authority, dealing with a technical statutory approval process.

- 4.9 There will be a need for the Local Authority to secure bonds, fees and service charges for the sustainable and ongoing maintenance of SuDs schemes.
- 4.10 Additionally SuDs schemes will need to be inspected by the SAB during construction, to ensure they are built to the appropriate standard with the specified or suitable materials, and once in operation, to ensure they are properly maintained and not damaged. The authority may charge an inspection fee based on cost recovery.
- 4.11 SuDs systems which meet the specified adoption criteria can be offered for adoption to the SAB. Adoption by the SAB will be via a bespoke legal agreement. The SAB will require payment of a commuted sum or maintenance charge which is reflective of the maintenance/ replacement plan for the lifetime of the development.
- 4.12 The SAB, as an independent body within the local authority, will deal with a technical statutory approval process and be able to charge for services within this process. Examples of chargeable aspects are: -
- SAB pre-applications – This is a key function of the SAB to engage with developers for technical pre-application discussions. This will steer developments to comply with the National Standards. When schedule 3 of the FMWA is implemented the SAB will be able to charge for pre-application comments. It should be noted that SAB pre-application is limited to a high level overview. Detailed comments will be provided at the Outline/Full application stage. The charges for pre-application are (subject to approval by Council) and will start from £250 (minimum) depending on the size of the development plus there would be similar charges for commercial properties which would be based on squared metres. Additionally there would be additional fees for services e.g. site meetings and this would be based on 20% of the minimum application charge of £350 and will vary depending on the size of the proposed development.
 - Outline/Full applications – Under the current proposal by WG one property or above (or development above 100sq.m or with drainage implications) would require SAB approval. This process is chargeable at rates set by WG. Application costs start from £350 (minimum) with an additional amount up to £7,500 (maximum) calculated by reference to the size of the construction area.
 - Inspection of assets – SuDs schemes will need to be inspected by the SAB during construction, to ensure they are built to an appropriate standard. The SAB may charge an inspection fee based on cost recovery, based on hourly rate and number of hours.
 - Adoption arrangement – SuDs which meet the specified adoption criteria can be offered for adoption to the SAB. Adoption by the SAB will be via a bespoke legal agreement and commuted sums or maintenance charges which reflect the maintenance /replacement plan that will be required for the lifetime of the development.
- 4.13 There are further opportunities to regionalise and collaborate these services with other local authorities that have fewer resources and technical knowledge to deliver this statutory function. CCBC officers have already commenced provisional discussions with a number of neighbouring local authorities to establish whether CCBC could deliver this service for adjoining authorities. These discussions are at relatively early stages and appropriate legal advice is being sought to ensure that any such opportunities are feasible.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above (3.1). The effective regulation of flooding/and managing flood risk links to the following Well-being Goals, within the Well-being of Future Generations Act (Wales) 2015:

A resilient Wales

The new statutory function will lead to a better sustainable integrated approach for dealing with rainwater that uses the landscape to protect developments from flooding and prevent pollution, delivering a controlled flow of clean water that can be used for amenity and wildlife benefits. The implications of flooding can be significant on local businesses so flood prevention enables our businesses and communities to be more resilient. The involvement of residents, businesses and communities is vital to the success of sustainable development in the long term.

A prosperous Wales

The new statutory function will lead to sustainable drainage systems that contribute to the quality and functionality of host landscapes providing usable and attractive places for local community users to enjoy. The implications of flooding can be significant on local businesses so flood prevention enables our businesses and communities to be more prosperous. Collaborative networks have been set up with NRW, Welsh Water, other local authorities and local communities, integrating with council's internal departments (Countryside and Landscape, Planning, Environmental Health and Urban Renewal) which prevents duplication of task undertaken.

A healthier Wales

A clean, green environment where water is seen as a resource, with access to open space, clean air and water are key elements of health and well-being. For instance by working closely with Caerphilly's Planning and Countryside departments and local developers promoting nature based solutions this will also be a key element of health and well-being. This integrated working of services will be critical to successful outcomes being achieved with the SAB implementation.

A more equal Wales

Some of our poorest environmental quality is associated with our most deprived areas. Ensuring that everyone across the county borough has equal access to a clean, green and an attractive environment is a core element of our work, and is a supported SAB function.

A Wales of cohesive communities

By managing flood risk and engaging with the community through creative solutions this will provide SuDs features that offer multi-functionality and successfully integrating sustainable management of water into the surrounding local landscapes. This demonstrates that we promote communities to be caring and environmentally conscious. This in turn helps to create a tidier, more attractive place for residents, visitors and potential inward investors.

A globally responsible Wales

One of Caerphilly's corporate objectives is to reduce carbon emissions and reduce our contribution to global warming. Multiple biodiversity and a reduction in carbon emissions will be achieved by promoting sustainable development over the long term.

6. EQUALITIES IMPLICATIONS

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 The current organisational structure does not allow for this statutory function to be undertaken with existing resources.

7.2 The structure required is currently being considered. Initial indications are that there will be a requirement for the following: Principal Engineer, Senior Engineer, Assistant Engineer, Drainage Technician and Trainee Technician. Total cost (including overheads) £199,369.

7.3 The income generation from the SAB is predicted to cover all salary costs and overheads associated with supplying this Statutory Function. In addition there is a potential for further income generation through regional working and collaboration with neighbouring authorities if this was feasible to progress.

Income generation is anticipated at £202,500 consisting of:

350 x £350 = £122,500 (minimum charges) Full Applications

250 x £250 = £62,500 (minimum charge) Pre-SAB Applications

250 x £70 = £17,500 (minimum charge) – Additional fee service charge

These income estimates have been based on the last 2 years' planning applications received by the authority, which had drainage implications.

8. PERSONNEL IMPLICATIONS

8.1 The current organisation does not allow for this statutory function to be undertaken and specialist dedicated expertise would be required to deliver this Service as identified within paragraph 7.2 above.

9. CONSULTATIONS

9.1 All consultees' comments have been incorporated within the report.

10. RECOMMENDATIONS

10.1 Members are requested to consider the requirement to establish the SAB within CCBC along with the additional self-funded posts which will allow CCBC to undertake this statutory function and keep the local engineering knowledge and expertise within CCBC prior to the proposal being presented to Cabinet for approval.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To allow CCBC to meet its statutory requirement under Schedule 3 of the Flood and Water Management Act 2010 to deliver the SAB and achieve multiple benefits including improvements to amenities and biodiversity.

12. STATUTORY POWER

12.1 Flood and Water Management Act 2010.

Author: Michelle Johnson - Senior Engineer

Consultees: Councillor Sean Morgan, Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Wellbeing and Future Generations Champion
Councillor D T Davies, Chair Regeneration and Environment Scrutiny Committee
Councillor C Forehead, Vice Chair Regeneration and Environment Scrutiny Committee
Christina Harray, Interim Chief Executive
David Street, Corporate Director – Social Services

Mark S Williams, Interim Corporate Director of Communities
Stephen Harris – Interim Head of Corporate Finance
Marcus Lloyd, Acting Head of Engineering Services
Richard Harris, Internal Audit Manager
Richard Crane, Senior Solicitor
Mike Eedy, Finance Manager
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)
Lynne Donovan, Acting Head of Human Resources and Organisational Development
Shaun Watkins, Principal Personnel Officer
Clive Campbell, Transportation Engineering Manager
Kevin Kinsey, Acting Engineering Project Group
Chris Adams, Acting Highway Operations Group Manager
Gareth Richards, Highways Maintenance Manager
Rhodri Powell, Senior Assistant Engineer



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 27TH MARCH 2018

**SUBJECT: IMPLEMENTATION OF WELSH GOVERNMENT LAND DRAINAGE
BYELAWS**

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To update members regarding the Welsh Government (WG) approved standard land drainage byelaws, and to seek comments from Scrutiny in regard to implementing the land drainage byelaws prior to its presentation to Council for consideration for approval.

2. SUMMARY

- 2.1 Under the Flood and Water Management Act 2010 (FWMA) Local Authorities in Wales were given additional powers and responsibilities for managing flooding from surface water, groundwater and ordinary watercourse. As part of the new powers, the responsibility for issuing ordinary watercourse consents under Section 23 Land Drainage Act 1991 passed from Natural Resources Wales (NRW) to the Lead Local Flood Authorities (LLFAs) in 2012.
- 2.2 Since taking on this consenting duty and wider flood risk management function, Local Authorities have noted that powers under current legislation are limited and certain activities which are not currently consented could potentially increase the risk of flooding especially in more built up areas.
- 2.3 To address this issue WG has recently ratified the updated set of its Ordinary Watercourse Byelaws created under Section 66 of the Land Drainage Act 1991.
- 2.4 These Byelaws have been created to enable LLFAs adopting them to supplement existing powers and help with their land drainage and flood risk management (FRM) functions.

3. LINKS TO STRATEGY

- 3.1 Land drainage byelaws contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities, and
 - A globally responsible Wales.

- 3.2 The Land Drainage Byelaws link to the authority's draft Well Being Objective 4: Promote modern, integrated and sustainable transport system that increase opportunity, promotes prosperity and minimises the adverse impacts on the environment.
- 3.3 There are further links to the Engineering Services Division Objectives:
 - 3.3.1 To provide safe and efficient transport and land drainage infrastructure through quality service delivered by means of cost effective management, maintenance and improvement of the networks.
 - 3.3.2 To develop engineering solutions and methods which have regard to the value of the natural and built environment and to the principle of sustainable development.
- 3.4 The report supports the Prosperous, Safer and Greener themes of the 'Caerphilly Delivers' in the single integrated plan.
- 3.5 Effective regulation and Management of flooding/flood risk promotes sustainable development, which does not exacerbate flooding. This links to the Caerphilly County Borough Council (CCBC) Flood Risk Management Strategy and Plan.

4. THE REPORT

- 4.1 CCBC is currently designated a LLFA, as created by the FWMA.
- 4.2 CCBC has statutory powers provided by the Land Drainage Act 1991, to consent activities on ordinary watercourses.
- 4.3 Since taking on this consenting duty and wider flood risk management function, LA's have noted that powers under the current legislation are limited, and certain activities which are not currently consented could potentially increase the risk of flooding especially in more built up areas e.g. vegetation tipping, building over culverted watercourses.
- 4.4 It was therefore decided by WG/Welsh Local Government Association (WLGA) in 2013 to set up a Task and Finish Group to oversee a review of the current byelaws with the aim of creating a new set of byelaws to help LLFAs in Wales manage more effectively and consistently activities along ordinary watercourses.
- 4.5 The FWMA identifies 10 bodies with specific responsibilities for managing flood risk, these are known as Risk Management Authorities (RMA). In Wales these consist of Local Authorities, Highway Authorities, Natural Resources Wales (NRW) and water companies. The updated Byelaws ensure better alignment of work between RMAs. NRW has already adopted the updated Land Drainage Byelaws for all areas and watercourses under their control.
- 4.6 The primary function of the new Land Drainage Byelaws is to help LLFAs manage the risk of flooding where it is the highest, through better regulation. However, through careful revised wording and a wide range of activities being covered these byelaws can also benefit the wider environment. By doing so, they will benefit other functions within local Government and help with the delivery of other legislation including the Water Framework Directive and Habitat Directive.
- 4.7 Ultimately, this holistic approach to flood risk management through the use of Land Drainage Byelaws will be in line with the principles of the Well-Being of Future Generations Act and help LLFAs deliver its goals.
- 4.8 These byelaws have been designed by experienced Flood Risk Management (FRM) practitioners following extensive consultation with various local authorities' departments and NRW.

- 4.9 WG and WLGA are encouraging Local Authorities to adopt the model byelaws without any modification to ensure consistency across Wales and avoid potential legal hurdles and a lengthy approval process.
- 4.10 The proposed model byelaws are included within Appendix A.
- 4.11 **Public Consultation**
- 4.12 On the 14th Oct 2017 the draft Land Drainage Byelaws were published on the CCBC webpage to allow members of the public to review and all Risk Management Partners e.g. community and town councils and adjacent local authorities etc. to be consulted and give their comments on the Proposed Land Drainage Byelaws. The closing date for the consultation was the 15th Nov 2017.
- 4.13 Paper copies of the proposed Land Drainage Byelaws and questionnaires were also placed in the local libraries within the county borough. In total 34 responses were received and a summary of their analysis is given in Appendix B.
- 4.14 The councils Flood Risk Management Team has reviewed all the comments received, and a table has been prepared of all the comments together with a response from the team in order to feedback to respondents. The table of responses has recently been published on the Caerphilly County Borough Councils webpage. Based on the survey results there was a large amount of positive support for the implementation of the proposed Land Drainage Byelaws.
- 4.15 It is proposed that CCBC adopt the standard model and seek approval to proceed with the implementation of the Land Drainage Byelaws.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above (3.5). The effective regulation of flooding/and managing flood risk links to the following Well-being Goals, within the Well-being of Future Generations Act (Wales) 2015:

- **A resilient Wales**

Byelaws will lead to the better regulation of flood risk activities, thereby reducing flooding from privately owned land drainage features. By regulating development of watercourses the effects of climate change can be more effectively managed. The implications of flooding can be significant on local businesses so flood prevention enables our businesses and communities to be more resilient in the long term.

- **A prosperous Wales**

Byelaws will lead to the better regulation of flood risk activities, thereby reducing flooding from privately owned land drainage features leading to a reduction in incidents of flooding and their associated social, economic and environmental cost. The implications of flooding can be significant on local businesses so flood prevention enables our businesses and communities to be more prosperous by ensuring that any possible future flooding instances are prevented where possible.

- **A healthier Wales**

A clean, green environment where water is seen as a resource, with access to open space, clean air and water are key elements of health and well-being. Caerphilly works hard to integrate across services within the authority to maximise efforts. For instance by working closely with Caerphilly's Planning and Countryside departments and local developers and regulating flood risk activities we can help reduce damage to land drainage features and promote nature based solutions which is a key element of health and well-being.

- **A more equal Wales**

Some of our poorest environmental quality is associated with our most deprived areas. Ensuring that everyone across the county borough has equal access to a clean, green and an attractive environment is a core element of our work, and is supported by the proposed Byelaws. Collaborative networks have been set up with NRW, Welsh Water and other local authorities to ensure an integrated and consistent approach in the application of the byelaws.

- **A Wales of cohesive communities**

By managing flood risk and engaging to maintain a clean community reflects positively on our residents. This demonstrates that we promote communities to be caring and environmentally conscious. This in turn helps to create a tidier, more attractive place for residents, visitors and potential inward investors. Increasing focus, effort and resources will be targeted at preventing flooding risk by involving all key stakeholders when considering solutions.

- **Globally Responsible Wales**

One of Caerphilly's corporate objectives is to reduce carbon emissions and to reduce our contribution to global warming. By managing flood risk activities this will have many biodiversity benefits and will also reduce carbon emissions in the long term.

6. EQUALITIES IMPLICATIONS

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out.
- 6.2 The adoption of these Byelaws will enable the Council, which is a designated LLFA, to supplement existing powers and assist with land drainage and flood risk management (FRM) functions. This in turn will have a positive impact on the local environment, minimising the risks to the public.

7. FINANCIAL IMPLICATIONS

- 7.1 The consultation and statutory approvals will be financed via the Environmental and Sustainable Development Single Revenue Grant provided by Welsh Government.

8. PERSONNEL IMPLICATIONS

- 8.1 None. This can be delivered within existing staff resources.

9. CONSULTATIONS

- 9.1 All comments received have been incorporated into the report.
- 9.2 External consultations were also undertaken as identified in section 4 of this report.

10. RECOMMENDATIONS

- 10.1 It is proposed that members consider supporting the implementation of the Land Drainage Byelaws as recommended by WG prior to reporting to Council for final approval.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To allow CCBC as the LLFA to better manage flooding and flood risk within its area and to comply with the measures outlined in CCBC Flood Risk Management Strategy and Plan. To ensure that the council is compliant with its statutory obligations, and follows a consistent path as recommended by WG/WLGA and neighbouring authorities.

12. STATUTORY POWER

- 12.1 Land Drainage Act 1991.
- 12.2 Flood and Water Management Act 2010.

Author: Michelle Johnson, Senior Engineer

Consultees: Councillor Sean Morgan, Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Wellbeing and Future Generations Champion
Councillor D T Davies, Chair Regeneration and Environment Scrutiny Committee
Councillor C Forehead, Vice Chair Regeneration and Environment Scrutiny Committee
Christina Harry, Interim Chief Executive
David Street, Corporate Director – Social Services
Mark S Williams, Interim Corporate Director of Communities
Stephen Harris – Interim Head of Corporate Finance
Marcus Lloyd, Acting Head of Engineering Services
Richard Harris, Internal Audit Manager
Richard Crane, Senior Solicitor
Mike Eedy, Finance Manager
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)
Shaun Watkins, Principal Personnel Officer
Clive Campbell, Transportation Engineering Manager
Kevin Kinsey, Acting Engineering Project Group Manager
Chris Adams, Acting Highway Operations Group Manager
Gareth Richards, Highways Maintenance Manager
Rhodri Powell, Senior Assistant Engineer

Appendices:
Appendix A – The Proposed Model Byelaws
Appendix B – Results of the Online Survey

Appendix A

The proposed model byelaws

Land drainage (Wales) Byelaws

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Land Drainage (Wales) Byelaws

[Name of Local Authority] under and by virtue of the powers and authority vested in them by section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for [one or more of] the following purposes:

- a) securing the efficient working of a drainage system in the Council's area,
- b) regulating the effects on the environment in the Council's area of a drainage system,
- c) securing the effectiveness of flood risk management work within the meaning of section 14A of that Act, or
- d) securing the effectiveness of works done in reliance on section 38 or 39 of the Flood and Water Management Act 2010 (incidental flooding or coastal erosion),

Chapter I - Administrative

1. Citation and commencement

These Byelaws have been approved by the Cabinet Secretary for Environment and Rural Affairs Lesley Griffiths and may be cited as **[Name of Local Authority]** Land Drainage Byelaws [2017] and they shall commence on [date].

2. Application of Byelaws

These Byelaws apply to ordinary watercourses situated within the area in Wales of the local authority [or: under the control of the Internal Drainage Board] making these byelaws.

3. Definition and Interpretation

In these byelaws, unless defined below or the context otherwise requires, the terms and expressions to which meanings are assigned by the Water Resources Act 1991, the Land Drainage Act 1991, the Environment (Wales) Act 2016 and the Interpretation Act 1978 shall have the same meanings in these byelaws.

In these byelaws:

The expressions "bank", "drainage", "drainage body", "Internal Drainage Board", "land", "local authority", "ordinary watercourse" have the same meaning as defined in the Land Drainage Act 1991.

"the Act" means the Land Drainage Act 1991

"Animal" means any animal including birds, any horse, cattle, sheep, deer, goat, swine, goose or poultry; but excluding fish and human beings;

"Byelaws distance" means any land lying landward within the following distances measuring horizontally from any watercourse bank:

- (i) if it includes a wall or embankment 8 metres from its landward extent; or

(ii) in other cases 8 metres from the top of the watercourse bank; or

(iii) any land lying 8 metres horizontally from the outer perimeter of a culvert measured from the widest part of the culvert.

“Building or structure” means any structure or erection, and any part of a building so defined, but does not include plant or machinery comprised in a building; It also includes a fence, post, pylon, wall, wharf, bridge, loading stage, piling, groyne, pontoon, revetment, and an engine or any mechanical contrivance; any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work, and any reference to a structure includes part of a structure.

“Consent of the authority” means the prior written agreement, either by email or formal documentation, of any person authorised on behalf of the Authority, and which may include any conditions/restrictions as deemed necessary by the Authority.

"Culvert" means an enclosed channel pipe or conduit for the carrying of a watercourse and any other structure forming part of a culvert including headwall, outlet and trash screen.

"Embankment" means a natural or artificial mound or other raised defence.

"Flood Defence works " means tidal, fluvial or pluvial flood defence structures and works including walls, gates, embankments or bypasses constructed or used for these purposes as well as man-made or natural sand dunes and earth retaining structures or structures constructed or used as a defence against inundation of any land by raising water levels.

“Flood warning system” means any apparatus used by the Authority for obtaining or providing information in relation to and warnings of flood.

"Land liable to flooding" means all land over which watercourse water flows in times of flood, including areas where that water is stored in times of flood.

“Nets” includes

(a) a stake net, bag net or keep net;

(b) any net secured by anchors and any net, or other implement for taking fish, fixed to the soil or made stationary in any other way;

(c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

"Occupier" means any tenant, licensee or other person either in occupation of any land or entitled to its occupation.

“Objects or matters” means natural or man-made liquid or solid matters or objects or materials including trees, roots of trees, branches, timber, tins, bottles, boxes, tyres, bricks, stones, soil, wire, rubbish.

"Owner" means the owner of a legal estate, and when the owner is not in immediate occupation shall include an occupier.

"Person" includes where appropriate, reference to more than one person, including a body of persons corporate or non-corporate.

"Sea defence" means any artificial or natural defence against sea water or tidal water including natural or artificial high ground (including sand dunes and cliffs) and any works constructed or used as a defence against inundation of any land by sea or tidal waters, or for

securing adequate watercourse outfalls provided it shall not include any sea defence works which are vested in or under the control of a Coast Protection Authority, a local authority or any Navigation Harbour or Conservancy Authority.

“Tidal control works” means any floodgate, lock, sluice or other structure or appliance provided or constructed for the purpose of defence against sea or tidal water.

“Vegetation” means trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetation growths;

"Vessel" means any ship, boat, or any other waterborne craft, including hovercraft and any remains of any vessel.

"Watercourse" means any river, stream, ditch, channel or other passage through which water flows including the channel of any watercourse that is for the time being dry but excluding public sewers within the meaning of the Water Industry Act 1991.

"Watercourse bank" means any bank, wall, revetment or embankment adjoining or confining any watercourse from the top to the bottom of the sloping or upright part.

"Watercourse bed" means land forming any part of a watercourse over which water normally flows.

“Water control structure” means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, pump or pumping machinery;

4. Causing or knowingly permitting

Where by or under these byelaws the doing of any act is prohibited or restricted the same prohibition or restriction shall extend to causing or knowingly permitting the act or restriction to be done.

Chapter II - Control of introduction of water and increase in flow or volume of water

5. Control of the introduction of water, altering flow and volume of water

- (1) Without prejudice to sections 23 and 25 of the Land Drainage Act 1991 no person shall without the consent of the authority take any action to:
- (a) stop up any watercourse; or
 - (b) divert; or
 - (c) impede; or
 - (d) alter

the level of or direction of the flow of water in, into or out of any watercourse.

- (2) In this byelaw ‘alter’ includes creating or extending a watercourse and introducing water which directly or indirectly increases the flow or volume of water in any watercourse within the local authority’s area.

(3) In this byelaw impede includes blocking off or infilling of any watercourse channel, and obstruction of any arch of any bridge or causeway designed of, or which permits the passage of water in any watercourse or land liable to flooding.

6. Interference with sluices, flood and tidal defences

(1) No person shall without consent of the authority operate or interfere with any sluice, flood gate, flood or tidal defence or other water control structure or appliance or flood warning or monitoring system used for controlling, regulating or monitoring the flow of water in, into or out of an ordinary watercourse.

(2) In this byelaw “interfere” includes removing, damaging or disturbing materials forming part of a flood or tidal defence.

7. Operation of watercourse or tidal control works

Any person having control of

- (a) any sluice or flood gate; or
- (b) any water control structure or appliance for controlling or regulating or affecting the flow of water in, into or out of a watercourse

shall use and maintain such structure or appliance in a proper state of repair and efficiency with a view to:

- (a) the prevention of flooding or of any shortage in the flow or supply of water and
- (b) the efficient working of the drainage system in the area of the (local authority/ internal drainage board)

8. Tidal Outfalls

No person shall place or abandon upon the foreshore any object or matter or vegetation which, whether immediately or as a result of subsequent tidal action, may

- (a) impede or be likely to impede the flow of water through the sluices, flood gate, or outfall pipes through the tidal banks or through the watercourses on such foreshore; or
- (b) impede or be likely to impede the operation of such sluices, flood gate, or outfall pipes; or
- (c) cause or be likely to cause damage to such sluices, flood gate, or outfall pipes.

Chapter III - Potential to cause impediment or obstruction to flow

9. Maintenance of land liable to flooding and watercourse banks

- (1) No person shall without the consent of the authority plant any tree, deposit or store objects or matters, light a fire or interfere with a watercourse bed or bank within the byelaw distance in such a manner as is likely to:
- (a) cause flooding,
 - (b) impede the flow, or
 - (c) cause or be likely to cause damage to, or
 - (d) endanger the stability of, or
 - (e) affect the efficiency of

a culvert, watercourse bank, watercourse control work, flood defence, tidal control work or sea defence.

- (2) In this byelaw:

“interfere” includes to dredge, remove, damage or disturb materials forming part of a flood or tidal defence or of a watercourse bank or bed; and to make any excavation or do anything in, to or upon any land like to damage a watercourse bank or bed.

“light a fire” includes committing any action liable to cause any fire to be lit on any land adjoining any watercourse where such action is liable to set on fire any peat land forming the banks of the watercourse or any vegetation growing on land forming the banks of the watercourse.

“store objects or matters” includes depositing or stacking or keeping objects and solid or liquid matters including vegetation and vegetation cuttings.

“objects” include vessels.

10. Building of structures, pipes, etc. on land liable to flooding

- (1) No person shall without the consent of the authority:

- (a) erect or construct any building or structure

(i) in, on, under or over any watercourse or in or on any bank of a watercourse;

(ii) within the byelaws distance;

(iii) on any watercourse control work, flood defence, tidal control work or sea defence; or

(iv) over any part of a culvert, or within the byelaws distance on either side of it; or

- (b) make or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;

in such a manner or for such length of time as to cause damage to the watercourse bed or banks; or obstruct the flow of water in, into or out of such watercourse.

(2) This byelaw does not apply to any temporary work executed in an emergency.

(3) In this byelaw:

“Emergency” means causing immediate danger to life or property.

11. Repairs to buildings and structures

The person having control of any building, fence or structure in, on, under or over any watercourse, culvert, watercourse bank, flood defence works, tidal control works, tidal or sea defence shall maintain such building, fence or structure in a proper state of repair and efficiency with a view to preventing such building, fence or structure from:

- (a) impeding the flow of water in into or out of any watercourse;
- (b) damaging any watercourse bank, flood protection works, tidal control works or sea defence; or
- (c) creating danger or obstruction to the carrying out of flood defence works by the (local authority/internal drainage board)

Chapter IV - Ensuring the condition of the banks of a watercourse

12. Vegetation

The owner or occupier of any land through which any watercourse flows or on which any sea defence is situated or any adjoining land over which the local authority [/internal drainage board] needs access to get to such land shall maintain all vegetation situated within the byelaws distance and shall remove such vegetation from the watercourse or bank immediately after such cutting so that it does not impede the flow of the watercourse.

13. Driving of animals and vehicles

No person shall use or drive any cart or vehicle of any kind on, over or along any bank of a watercourse control work, flood protection work, tidal control work, or sea defence in such manner as to cause damage to such bank, control work, flood protection work, tidal control work, or sea defence.

14. Damage by grazing animals

No person shall graze, keep or water any animal on any watercourse, watercourse bed or bank, flood protection work or sea defence without:

- (a) taking all such steps as are necessary to prevent the watercourse, the watercourse bed or bank, flood protection work or sea defence from being damaged by such use and
- (b) reporting to the local authority [/internal drainage board] any damage caused to the watercourse, the watercourse bed or bank, flood protection work or sea defence by

the grazing, keeping or watering of animals, as soon as practicable following the occurrence of such damage.

Chapter V – Incidental provisions

15. Control of animals

The owner or occupier of any land through which any watercourse flows or on which any sea defence is situated or any adjoining land over which the local authority [/internal drainage board] needs access to get to such land to carry out any work or inspection, shall ensure that, during the progress of any work or any inspection animals on such land are kept under proper control and supervision or, if such control and supervision is not possible, are not kept on such land.

16. Interference with local authority [/internal drainage board]'s functions

No person shall interfere with:

- (a) access required to any land by the local authority [/internal drainage board] or of their agents to carry out their flood management functions; or
- (b) the carrying out of their functions.

Chapter VI – Exemptions

17. Emergency works

These Byelaws shall not apply to any work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Council in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Council may give with regard thereto.

18. General Permitted Developments

These byelaws shall not apply to any development by a drainage body in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works.

19. Ladders and scaffold towers

- (1) These Byelaws shall not apply to any work requiring the temporary erection and use of ladders and scaffold towers (“equipment”).
- (2) For the purposes of this paragraph, the specific conditions are—
 - (a) the suitability of river conditions is reviewed by the operator each working day;
 - (b) the equipment is erected on each working day on which it is required; and
 - (c) the equipment is removed at the end of each working day and is stored outside the river and its banks.

Chapter VII – Miscellaneous

20. Penalty

By section 66(6) of the Act every person who acts in contravention of, or fails to comply with, any of the foregoing Byelaws, is liable on summary conviction in respect of each offence to a fine not exceeding the amount prescribed from time to time for level 5 (£5,000) on the standard scale referred to in section 37 of the Criminal Justice Act 1982 and a further fine not exceeding forty pounds for every day on which the contravention or failure is continued after conviction.

By section 66(7) of the Act if any person acts in contravention of, or fails to comply with any of these Byelaws the Council may without prejudice to any proceedings under section 66(6) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

Appendix B
Results from the Online Survey

Analysis is summarised below, based upon the questions asked during consultation:

Question

1. From the analysis **94% agreed** and 6% disagreed that in addition to powers already held by Caerphilly Council, that no person should undertake works which will stop up, divert, impede (block) or alter without the approval of the council.
2. When asked about works affecting a structure controlling the flow within a watercourse, **97% agreed** and 3% disagreed that no person should be able to interfere with a flow controlling structure without the approval of the Council.
3. **97% agreed** and 3% disagreed that any person owning or having control of a flow control structure must maintain it in a proper state of repair for the purpose of preventing flooding and management of the drainage network.
4. A total of **97% agreed** and 3% disagreed that certain activities that can cause flooding should be restricted.
5. From the analysis **94% agreed** and 6% disagreed that building over/near a culvert/watercourse should be restricted.
6. A total of **97% agreed** and 3% disagreed that any person owning or having control of a building, fence or structure on, under or over a watercourse/ culvert should maintain it in a proper state of repairs for the purpose of preventing flooding and management of the drainage network.
7. **85% agreed** and 15% disagreed that a person owning or occupying land where there is a watercourse, that they should be responsible for the maintenance and removal of vegetation causing restriction in flow.
8. From the analysis **91% agreed** and 9% disagreed that in certain circumstances animals should be restricted from damaging watercourse bed and banks.
9. **94% agreed** and 6% disagreed that in certain circumstance animals and vehicles should be prevented from trafficking through a watercourse, for the purpose of preventing damage.
10. A total of **94% agreed** and 6% disagreed that when the Council is undertaking its duties on land, that animals should be controlled/ supervised and access should not be interfered with.

In order to gauge overall satisfaction on flood risk management within Caerphilly County Borough.

11. 68% agreed and **32% disagreed** that the Council does all it can to manage flooding in the area.

Gadewir y dudalen hon yn wag yn fwriadol