

COUNCIL

TUESDAY, 28TH SEPTEMBER, 2021

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD,

SUPPLEMENTARY AGENDA

PART I

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a) Councillor Larcombe asked the following question of Councillor Cannon, Cabinet Member for Public Protection and Parking:

The Jacob's Report dated September 2014 identified the need for maintenance works on the Wraysbury Drain. Significant RBWM expenditure (about £150k) failed to cure the problems. As designated lead local flood authority RBWM has repeatedly failed to ensure riparian maintenance. By what date will the problems be fixed please?

Written response: *There are a number of workstreams for maintenance of the drain, including liaison with riparian landowners, enforcement action, direct works, and the Environment Agency partnership for Datchet, Horton and Wraysbury, and Old Windsor wards. Each workstream has in common the goal of ensuring maintenance of the Wraysbury Drain is carried out. As each has its own timeline and parties responsible for carrying out works, it is not possible to provide a definitive date by which problems will be fixed.*

Current activities include:

- *Enforcement activity commenced in July 2021 in line with the council's Land Drainage Enforcement Policy under advice from the Legal Services team.*
- *Site investigations have taken place to identify blockages and works are programmed to take place in October/November on sections of the watercourse*

Officers will continue to provide regular updates on the Wraysbury Drain, including at the quarterly meetings of the Flood Liaison Group. The next update will be provided at the FLG on 13 October 2021.

b) Councillor Larcombe asked the following question of Councillor Cannon, Cabinet Member for Public Protection and Parking:

Channel One of the River Thames Scheme (Datchet to Teddington) was removed from the project after RBWM was unable to meet the partnership funding contribution requirement. My view is that the Environment Agency demand for partnership funding was 'ultra vires' and consequently invalid. What do you think?

Written response: *"Ultra vires" is a legal term which means that a person or body corporate has acted beyond its legal power or authority.*

The Environment Agency derives its authority from the Environment Act 1995, and its specific flood risk management powers come from section 6(4) of that act:

"The Agency shall in relation to England ... exercise a general supervision over all matters relating to flood and coastal erosion risk management, in accordance with Part 1 of the Flood and Water Management Act 2010."

The River Thames Scheme itself, sponsored by the Environment Agency, clearly falls within its statutory flood risk management function. The funding of the River Thames Scheme was approved not simply by the Environment Agency itself, but by its sponsoring department, DEFRA, and by HM Treasury.

It is therefore difficult to see on what basis Councillor Larcombe claims that the Environment Agency has acted outside its powers in seeking partnership funding. If he has continued doubts about the funding of the scheme he should direct his enquiry to the Environment Agency.