

Minutes of a meeting of the Highways and Transport Overview and Scrutiny Committee.
held at County Hall, Glenfield on Thursday, 7 November 2024.

PRESENT

Mr. T. Gillard CC (in the Chair)

Mr. R. G. Allen CC
Mr. D. C. Bill MBE CC

Mr. B. Lovegrove CC
Mr. L. Phillimore CC

In attendance

Mr. O. O'Shea, Cabinet Lead Member for Highways and Transport
Mrs. M. Wright CC, Cabinet Support Member

25. Minutes.

The minutes of the meeting held on 5 September 2024 were taken as read, confirmed and signed.

26. Question Time.

The Chief Executive reported that 17 questions had been received under Standing Order 35 and they were all in relation to flooding at Stoney Stanton.

1. Question asked by Ms Ann Jackson

“Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding and proposed a number of recommended actions to be taken in order to prevent further flooding.

In both January and September of 2024, heavy rainfall and inadequate drain maintenance culminated in unnecessary and avoidable flooding of the highway and subsequently of driveways and gardens. Properties narrowly avoided flooding thanks to the diligent and resourceful response of residents.

On Sunday 22nd September 2024, prior to Station Road, Stoney Stanton's most recent near miss flood incident, an additional source of water was noticed entering the manhole at the top of Stressline's drive on Foxbank Industrial Estate. This was previously noted in a report produced by Cllr Chris Stubbs in relation to the 2019 flooding. This is of grave concern to the residents of Mountsorrel Cottages and all those in the village affected by the 1st October 2019 flood.

What measures are Leicestershire County Council taking to identify the source of this water and who has responsibility for this water as it comes down the highway?”

Reply by the Chairman

This forms part of the wider project investigation work that the Council has been liaising with the Parish Council and Stoney Stanton Flood Action Group (SSFAG) about and will continue to be communicated to all relevant interested parties. The Council is developing a flood mitigation project, based on the findings of the formal flood investigation that is published on the Council website. Such projects are complex, require significant investigation, design and funding to achieve but are not a statutory function of the Lead Local Flooding Authority (LLFA) and are done only when resources permit.

The Highway Authority is responsible for draining water falling directly onto the public highway, not for conveying third-party water entering the highway from adjacent land.

Supplementary Question

“My question is about an unidentified water source. I know that you did the Section 19 report, but this water source was not identified in that report. It was there at the time we just didn’t know about it. As suggested in your response, no resources can be allocated to this unless it is identified and until it is identified no one can be held responsible. My question therefore is when will this be investigated as this is important?”

Response from the Chairman

At the request of the Chairman, the Director of Environment and Transport responded that, the County Council did not have all the details and requested that Ms Jackson discuss this directly with the Department to provide more details regarding the unidentified water source referred to. The County Council carried out the section 19 investigation based on all the known factors available at that time. However, if additional information came to light following that investigation, the County Council did need to be made aware of that. the Director suggested that the additional information could be provided either after meeting at the flooding drop-in session being held in the Members Lounge, or if local residents could send this to the Department it could then be considered further.

2. Question asked by Mr Phillip Pantling

“In Leicestershire County Council’s (LCC) April 2021 Section 19 Report detailing the 1st October 2019 flooding of Stoney Stanton, numerous references were made to a ‘misconnected’ pipe that runs down the driveway between the two sets of Mountsorrel Cottages. This pipe was originally installed as part of a previous flood alleviation scheme and drained excess water away from the cottages into the floodplain that later became the Bellway development. This pipe was ultimately capped by Bellway contractors which backed up in 2019 contributing significantly to the flood. Following the installation of 13 new drains along Station Road, this original alleviation pipe was attached to one of the drains at the bottom of the driveway between the two sets of cottages. Now, when the drains block the water in the pipe backs up resulting in the very issue that it was designed to alleviate”.

“What immediate action can LCC take to mitigate the risk posed by this pipe in the absence of a previously available floodplain?”

Reply by the Chairman

Only the section that passes underneath Station Road is the maintenance responsibility of the Council in its capacity of a Highway Authority, and no immediate action is planned as there are no known issues with this section.

The new highway gullies do not connect on to this pipe as suggested. The flood mitigation scheme currently being designed will take into account all known issues found as part of the formal flood investigation and follow up modelling work.

3. Question asked by Emily Copping

“During their investigations into the 2019 Stoney Stanton flood, the LLFA identified a blocked pipe running into Foxbank Industrial Estate that significantly impacted the flood. To date, this issue remains unresolved.

Why, after 5 years, have the LLFA not used their enforcement powers to rectify this issue?”

Reply by the Chairman

The LLFA has worked extensively with the owner of Stressline to highlight the issue on their private land that they have riparian responsibilities for. This is in accordance with the Leicestershire Ordinary Watercourse Regulation and Culvert Policy.

Supplementary Question

“I was asking about a drain running into the Foxbank Industrial Estate. After working for 5 years with landowners I cannot see we are any further forward and in terms of the damaged pipe, and it is damaged rather than blocked, this pipe that is damaged significantly impacted the 2019 flood. We have got no progress to report on that drain so you are effectively leaving residents to re-flood by not addressing it. Despite all this work with landowners we are no further forward, and I am now asking for a date when this repair will be completed so we can resolve one issue on our list?”

Response from the Chairman

At the request of the Chairman, the Director of Environment and Transport responded that the pipe referred to was privately owned by Stressline. The County Council had been in regular engagement with Stressline. They did begin to make alterations to that pipe and so the County Council has followed its policy and the rules set out in the response, by which the Council engages with the landowner. The Council was not aware of any further actions being taken recently. recently The County Council had tried to make frequent contact with Stressline and given the lack of response were looking at what further steps could be taken. It was highlighted that if flooding did occur internally and could be pinpointed to be as a result of the suggested obstruction then Stressline would be potentially liable for that flooding, and they had been made aware of that. the process hadn't ended and so the Council did not have a date when those works would be completed, but the Council would continue to engage with the landowners and push for that to happen.

4. Question asked by Mr Glen Hoult

“Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding and proposed a number of recommended actions to be taken in order to prevent further flooding. During their investigations into the 2019 flood the LLFA identified that a pipe running into Foxbank Industrial Estate was blocked, significantly impacting the flooding.

To date, 5 years later, this issue remains unresolved. I would like to know what action has been taken?”

Reply by the Chairman

The LLFA has worked extensively with the owner of Stressline to highlight the issue on their private land that they have riparian responsibilities for. This is in accordance with the Leicestershire Ordinary Watercourse Regulation and Culvert Policy.

5. Question asked by Mr Neil Brown (SSFAG)

“On behalf of the Stoney Stanton Flood Action Group (SSFAG) we would like to submit a question to the scrutiny committee please as follows:

After the flooding in Stoney Stanton on the 1st October 2019 an S19 report was produced where it was stated that the local community, flood action group, parish council and the flood warden would be kept updated with actions being taken and consulted on updates to the flood action plan. When will the consultation take place so that new issues identified can be incorporated and the plans be publicly disclosed to us?”

Reply by the Chairman

SSFAG is and will continue to be kept up to date with flood mitigation scheme project progress as it occurs. The project is at the outline business case stage with the Environment Agency, who is required to scrutinise bid submissions for National Flood Funding which funds this project, and relevant updates on progress with this stage will be conveyed to the Parish Council and SSFAG once concluded. The community can raise new issues with the Council at any time, either via the Customer Service Centre, the Parish Council or SSFAG.

6. Question asked by Mr Shane Reynolds

“Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding and proposed a number of recommended actions to be taken in order to prevent further flooding.

In both January and September of 2024, heavy rainfall and inadequate drain maintenance culminated in unnecessary and avoidable flooding of the highway and subsequently of driveways and gardens. Properties narrowly avoided flooding thanks to the diligent and resourceful response of residents.

On Sunday 22nd September 2024, prior to Station Road, Stoney Stanton’s most recent near miss flood incident, an additional source of water was noticed entering the manhole at the top of Stressline’s drive on Foxbank Industrial Estate.

This was previously noted in a report produced by Cllr Chris Stubbs in relation to the 2019 flooding. This is of grave concern to the residents of Mountsorrel Cottages and all those in the village affected by the 1st October 2019 flood.

What action will LCC take to ensure that this water is re-routed away from Watercourse B (identified in the Section 19 report from 2021) to prevent it generating further load on an already damaged and overwhelmed drainage system?"

Reply by the Chairman

This forms part of the wider flood mitigation scheme that the Council has been liaising with the Parish Council and SSFAG about. Updates will continue be communicated to all relevant interested parties at an appropriate stage. The Council is developing a flood mitigation scheme, based on the findings of the formal flood investigation that is published on the Council website. Such projects are complex, require significant investigation, design and funding to achieve but are not a statutory function of the LLFA and are done only when resources permit.

7. Question asked by Mr Neil Brown

"I would like to personally submit a question to the scrutiny committee on the 7th November please.

On 1st October 2019, 5 years ago, more than 30 residential properties in Stoney Stanton suffered a significant flood event.

Part of the investigations, afterwards included a CCTV survey of the main drains in the village was conducted and a report produced on the 19th April 2021. This report highlighted many issues and defects. To what extent have these defects been addressed, and can proof be provided?"

Reply by the Chairman

A detailed survey was conducted which identified assets belonging to several different agencies and landowners and those findings have been taken into account as part of the ongoing flood mitigation design. Any defects found at the time of the survey were reported to the relevant responsible agency/landowner.

8. Question asked by Mr John Stone

"I am approaching the Committee regarding the flood risk to the Godfrey Close development adjacent to Station Road, Stoney Stanton.

On 1st October 2019, three properties flooded – one internally. On 29th December 2023 and 2nd January 2024, the floodplain to the rear of the development was in flood. The website www.gov.uk/check-long-term-flood-risk acknowledges the estate is in a high flood-risk area.

Planning permission is a matter for the Blaby District Council, which relies on the Leicestershire County Council's advice on flood-related issues. The Leicestershire County Council (LCC) is gaining approval for a flood alleviation scheme, which will help reduce the flood risk to the area, including Godfrey Close.

However, the taxpayer and not the developer will bear the costs of such a scheme and the flawed planning process.

Has the LCC investigated or inquired of the developer and their consultants why they did not recognise the flood risk to Godfrey Close and the properties downstream at the time of the development?"

Reply by the Chairman

Planning applications are considered by the relevant Local Planning Authority using the best available evidence at the time. There is no legal requirement for the developer to take further action based on new information that was not available to them at the time of the application.

Supplementary Question

"Thank you for the response to my question that I received this morning. Firstly, a point of clarification, in your response you state that there is no legal requirement. If I may, this is not what I asked. My question is concise, has the County Council enquired as to how we have finished at this position with respect to the flood risk to Godfrey Close and the downstream flood risk. That is my question, I am not challenging that there is a legal requirement, but I am requesting an answer to my question please?"

Response from the Chairman

At the request of the Chairman, the Director of Environment and Transport responded that, essentially the decision to grant that application sat with the local planning authority and what information was available and whether this was taken into account was unknown, but it was not possible to go back and relook at that decision. The Council could give some form of assurance that the County Council were taking on board what had been said and that the technical expert that was leading on the flood alleviation scheme and flood modelling was looking at that. The Council were not in a position to go back in time in regards to the planning application which was a matter for the Local Planning Authority.

Supplementary Question

"Thank you, and yes, I am aware of that, but the answer to my question is straight forward, has the County Council reviewed the planning application for which the answer is either yes we have or we have not? What I am asking here is, given the problems that we all accept with Godfrey Close, has the County Council enquired as to how we have got to this position?"

Response from the Chairman

At the request of the Chairman, the Director of Environment and Transport responded that, as the Lead Local Flood Authority and being responsible for the section19 report the Council's role was to look at and investigate the causes and potential options to help alleviate the cause for the future and to see what could be done about that. The Council were not in a position to go back over history and the very many factors that will have come into play. What the Council could do was identify what was causing the problem at this point in time and what could be done to alleviate that. Going back and looking at previous planning applications determined a number of years ago, would not be the

Councils role. The Council were engaging and focussing on the issues now and what could be done to address those and who was responsible to take action for that.

9. Question asked by Judy Askwith

“You will be aware of the ongoing flooding risk on Station Road Stoney Stanton. On September 26th 2024, we were at high risk of flooding, after a very heavy downpour of rain. It became obvious that water was pouring into the ditch behind Mountsorrel Cottages from the bottom of Robertson Close on the Smithy Farm estate. This water was adding to the water flooding into the ditch from the holding chamber/headwall, increasing the threat that the cottages and gardens would flood yet again. On inspection by the residents, it appears that the kerbstone design in Robertson Close was inefficient.

Is Leicestershire County Council aware of this highways drainage issue and what are their plans to address the ongoing flood risk it presents”.

Reply by the Chairman

The Council is not aware of any reports of this; however, officers will investigate the report of the kerb design in Robertson Close being inefficient and a direct update will be provided accordingly.

10. Question asked by Chris Askwith

“The Committee is/should be fully aware of the flood water at the rear and front of Mountsorrel Cottages question as follows:

The A19 report states that the water chamber at the rear of Robertson Close is hydraulically inefficient and that the exact impact of this needs to be investigated.

Has this investigation been conducted and if so what recommendations were made and when will they be implemented?”

Reply by the Chairman

This forms part of the wider flood mitigation scheme that the Council has been liaising with the Parish Council and SSFAG about. Updates will be communicated to all relevant interested parties. The Council is developing a flood mitigation scheme, based on the findings of the formal flood investigation that is published on the Council website, such projects are complex, require significant investigation, design and funding to achieve.

11. Question asked by Mrs Peggy Hardy

“Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding and proposed a number of recommended actions to be taken in order to prevent further flooding.

In both January and September of 2024, heavy rainfall and inadequate drain maintenance culminated in unnecessary and avoidable flooding of the highway and subsequently of driveways and gardens. Properties narrowly avoided flooding thanks to the diligent and resourceful response of residents.

Inaccurate records

Section 19 report states that: Unfortunately, limited accurate records are held in relation to the capacity, connectivity and condition of the multiple drainage networks and interactions between different sub-catchments and drainage networks in Stoney Stanton.

Would it be right to state that these inaccurate and incomplete records invalidate any modelling that was conducted in relation to planning for the Bellway development and the Section 19 report?"

Reply by the Chairman

The formal flood investigation report was conducted before the detailed modelling was carried out which has now provided further clarity on the drainage systems in Stoney Stanton. The planning application for the Bellway development took place many years before the detailed modelling was carried out.

Supplementary Question asked by Ann Jackson on behalf of Mrs Peggy Hardy

"In the Section19 report it says that there were inaccurate records held at the time in relation to the capacity, connectivity and conditions of multiple drains. Do the inaccurate records invalidate the modelling that was created? In relation to the Bellway Development, if you are working with wrong information, does this invalidate it?"

Response from the Chairman

At the request of the Chairman, the Director of Environment and Transport responded that, as suggested, detailed accurate information is required to get a valid picture to mimic and plan ahead. When the County Council carried out the formal investigation, extensive engagement was carried out with the flood action group and the Parish Council at the time and a snapshot in time was taken which suggested a very complicated drainage system was in place, following which the County Council requested funding from the Environment Agency to carry out a detailed drainage investigation. This was then done after the investigation.

A technical expert mapped out all the inaccuracies and all the concerns which were then all resurveyed at the request of the technical expert following which he had subsequently factored into the flood model that had designed the scheme which now factored in the new detailed drainage work investigations. It was suggested that the findings in the section 19 report were almost superseded by the new studies and was a snapshot in time.

This further report had been shared with the Parish Council, but the Director undertook to share this again.

12. Question asked by Samantha Abbott

"Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding and proposed a number of recommended actions to be taken in order to prevent further flooding.

In both January and September of 2024, heavy rainfall and inadequate drain maintenance culminated in unnecessary and avoidable flooding of the highway and

subsequently of driveways and gardens. Properties narrowly avoided flooding thanks to the diligent and resourceful response of residents.

BOUNDARY FARM

On 2nd January 2024, residents of Station Road, Stoney Stanton, came painfully close to seeing their houses inundated by rising water levels following a period of sustained heavy rainfall. In many ways, these events replicated those of 1st October 2019, when residents were less prepared and much less fortunate.

Similar conditions were experienced on both 22nd and 26th September 2024. However, what was different in September 2024 was the amount of silt present in the water arriving at Station Road from Boundary Farm. On inspection, a 600m pipe at Boundary Farm was discovered to be 50% full of silt. This silt is clearly causing an issue at Boundary Farm but, if dislodged, it will present a potentially catastrophic problem; blocking pipes further down the system, including the pipe at Stressline, which has already been identified, by LCC, as defective and a significant factor in the 2019 flooding.

In addition to the risk of blockage, the volume of water coming from Boundary Farm is a very real issue. At present, this water is, to some extent, being held by the silt blockage. However, when free-flowing, this water overwhelms the system and results in flooding. Mr Jamie Forman (Operational Real Estate Manager, LCC) is aware of the aforementioned issues and agreed to conduct an investigation, the outcome of which is yet unknown.

What do LCC intend to do in the longer term in relation to this matter and proposed future development plans that may not take into account this volume of water?"

Reply by the Chairman

Future development plans will be considered at the time they are made using the best available information at the time and incorporating flood modelling thereby ensuring any mitigation measures required as part of any planning consents meet current statutory requirements as a minimum, The County Council, as a landowner and co-promoter of proposed development west of Stoney Stanton has, through extensive public engagement, gained an understanding of the current flooding problem and is committed to bringing forward a flood mitigation scheme that, in addition to meeting statutory requirements, provides greater protection to the properties in the Station Road area of the village.

13. Question asked by Mrs Elizabeth Perry

"Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding and proposed a number of recommended actions to be taken in order to prevent further flooding.

In both January and September of 2024, heavy rainfall and inadequate drain maintenance culminated in unnecessary and avoidable flooding of the highway and subsequently of driveways and gardens. Properties narrowly avoided flooding thanks to the diligent and resourceful response of residents.

On 2nd January 2024, residents of Station Road, Stoney Stanton, came painfully close to seeing their houses inundated by rising water levels following a period of sustained heavy rainfall. In many ways, these events replicated those of 1st October 2019, when residents were less prepared and much less fortunate.

Similar conditions were experienced on both 22nd and 26th September 2024. However, what was different in September 2024 was the amount of silt present in the water arriving at Station Road from Boundary Farm. On inspection, a 600m pipe at Boundary Farm was discovered to be 50% full of silt. This silt is clearly causing an issue at Boundary Farm but, if dislodged, it will present a potentially catastrophic problem; blocking pipes further down the system, including the pipe at Stressline, which has already been identified, by LCC, as defective and a significant factor in the 2019 flooding.

In addition to the risk of blockage, the volume of water coming from Boundary Farm is a very real issue. At present, this water is, to some extent, being held by the silt blockage. However, when free-flowing, this water overwhelms the system and results in flooding. Mr Jamie Forman (Operational Real Estate Manager, LCC) is aware of the aforementioned issues and agreed to conduct an investigation, the outcome of which is yet unknown.”

Reply by the Chairman

Please refer to the response to question 12 above.

Supplementary Question

“I would like to clarify that my original question submitted doesn’t mention the development west of Stoney Stanton, my question was regarding not only the volume of water coming from Boundary Farm but silt as well, so as riparian owners LCC have a duty not to allow us to flood or to block our existing drains with silt. So, I want to ask what action LCC are going to take about this?”

Response from the Chairman

At the request of the Chairman, the Director of Corporate Resources responded that the culverts in the County Council’s land at Boundary Farm, there was only one which was within its ownership - the one under the gateway from the access from Fisher Close. It was accepted that at the present time this did have a small amount of silt in it which was washed down from the land there and on occasions contained debris which had been deposited over the hedge by the ditch by other householders within the estate. It was not just silt therefore but sometimes included garden waste. The ditch beyond the gateway had been regularly cleaned by the County Council’s tenant over the years and this was connected to a drainage headwall which then led into the culvert. This was connected to the various houses and out into the back of a ditch or another drain at the back of Mountsorrel Cottages. Once the water gets to the head wall which is on the Council’s boundary line it becomes the next riparian owners’ responsibility.

Silt did wash down from farmland and the other ditches on the farm were regularly maintained but did not actually connect into the culvert at that point and were diverted into the neighbouring owners land and then onwards towards Station Road. In terms of action, the County Council would continue monitor the ongoing situation and at appropriate times request or instruct the tenant that they should be taking further action to clear the ditch.

14. Question asked by Brett Jackson

“What immediate action will LCC take to protect residents and their properties from the threat presented by the current situation at Boundary Farm?”

Re- flooding Station Rd Stoney Stanton exacerbated by building Bellway housing estate on floodplain opposite Mountsorrel Cottages

What action will be taken against developers who profited from local housing modelling/permissions, to prevent taxpayers and residents having to foot the bill for remedial work to rectify the impact of the development”.

Reply by the Chairman

The Council has no remit to take any action against a developer who correctly acquired planning permission from the Local Planning Authority.

Supplementary Question

“I am not sure that my supplementary hasn't already been answered. The question I asked was poorly written and I've asked about action taken against developers when I should have asked about action taken with developers because following planning permission being granted, and all the conditions of the planning permission we assume being adhered to, there were a number of problems that resulted from the conditions, like the lagoons next to the estate don't actually fill up, the rest of the lagoons do but that lagoon doesn't work. There were curb stones that were raised which stops water going into that flood plane and also a historic culvert pipe that ran down our shared access that ran into that and that was capped. So, I can't believe that any of those things were part a comprehensive planning permission scheme. So, I was asking actually, and I ask again, what would the Council or whatever body is responsible do with the developer to actually alleviate the problems they have created. We haven't really addressed problems that have exacerbated flooding and increasing the chances of flooding are taken out in the original planning process and that has not happened. So, I am asking who is responsible, if it is not Bellway then who is?”

Response from the Chairman

At the request of the Chairman, the Director of Environment and Transport responded that, this had been raised with the technical expert who was carrying out the re modelling study and he had suggested that this was being taken into account. Additionally, the ponds issue referenced, were also being considered as to how they can be best utilised and enhanced as part of the flood scheme. It was noted that in respect of the decision of the local planning authority, as suggested previously, no action can be taken against local planning authorities decision but the County Council had taken on board what had happened and were working with partners to improve the situation going forward.

15. Question asked by Mrs Claire Shenton

“Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding and proposed a number of recommended actions to be taken in order to prevent further flooding.

In both January and September of 2024, heavy rainfall and inadequate drain maintenance culminated in unnecessary and avoidable flooding of the highway and subsequently of driveways and gardens. Properties narrowly avoided flooding thanks to the diligent and resourceful response of residents.

BOUNDARY FARM

On 2nd January 2024, residents of Station Road, Stoney Stanton, came painfully close to seeing their houses inundated by rising water levels following a period of sustained heavy rainfall. In many ways, these events replicated those of 1st October 2019, when residents were less prepared and much less fortunate.

Similar conditions were experienced on both 22nd and 26th September 2024. However, what was different in September 2024 was the amount of silt present in the water arriving at Station Road from Boundary Farm. On inspection, a 600m pipe at Boundary Farm was discovered to be 50% full of silt. This silt is clearly causing an issue at Boundary Farm but, if dislodged, it will present a potentially catastrophic problem; blocking pipes further down the system, including the pipe at Stressline, which has already been identified, by LCC, as defective and a significant factor in the 2019 flooding.

In addition to the risk of blockage, the volume of water coming from Boundary Farm is a very real issue. At present, this water is, to some extent, being held by the silt blockage. However, when free-flowing, this water overwhelms the system and results in flooding. Mr Jamie Forman (Operational Real Estate Manager, LCC) is aware of the aforementioned issues and agreed to conduct an investigation, the outcome of which is yet unknown.

Mr Forman has not responded to numerous requests for an update, are the investigations complete and when can we expect a response and action plan?"

Reply by the Chairman

Investigations by the Council's Property Services on the Council's tenanted property, Boundary Farm, and the effects of water flows and ditch management have not identified any specific solutions which would impact on flood events at Station Road which have not already been identified by the LLFA.

The natural topography of the farmland means that any rainfall immediately to the west of Stoney Stanton will generally flow in to a ditch belonging to the Council's property and thereby in to a collection of culverts and open ditches (identified in the Section 19 report) towards Station Road. As noted in the questions, there is some silt build-up in a short length of culvert within the Council's property, and further silt or debris in other culverts and open ditches outside of the Council's ownership. Whilst the culvert within the Council's property can be cleared of silt build-up at the appropriate time it is not considered that the ditch within the Council's ownership particularly contributes to the silt and debris further downstream. The Council's farmland is currently used for growing of grass, and consequently the surface is not regularly disturbed, reducing the expected volumes of soil washing off the land.

No new survey investigations have been undertaken, however the LLFA has previously undertaken extensive survey work in the area and has developed a flood alleviation project for the area involving the provision of attenuation and other measures on land

forming part of Boundary Farm. The requisite land has been set aside for this purpose It is not intended that the Council's Property Services (or tenant) undertakes any other works other than routine maintenance prior to the outcome of the bid for National Flood Funding.

16. Question asked by Diane Pantling

"In April 2021 LCC reported on a number of items relating to flooding at Stoney Stanton. One point related to, works that have been conducted with regards to new drains located in the village. Were sufficient numbers of new drains created to assist in addressing the flooding problems that are repeatedly encountered in the village".

Reply by the Chairman

The Highway Authority is responsible for draining water falling directly onto the public highway, not for conveying third-party water entering the highway from adjacent land. The number of gullies installed are in excess of the recommendations set out in the Council's Leicestershire Highway Design Guide for the highway catchment area.

17. Question asked by Susan Dobby

"Following the flooding of Stoney Stanton on 1st October 2019 the LLFA conducted an investigation and produced a Section 19 report into the cause of the flooding. The report proposed a number of recommended actions to prevent a reoccurrence.

In both January and September 2024, heavy rainfall and inadequate drain maintenance culminated in unnecessary and avoidable flooding of the highway and subsequently of driveways and gardens. Properties narrowly avoided flooding thanks to the diligent and resourceful response of residents of Mountsorrel Cottages.

On page 20 of the Section 19 report it is noted that watercourse B has been restricted by encroachment of private gardens onto the watercourse.

What actions have been taken against the riparian owners for the encroachment of gardens onto the watercourse?"

Reply by the Chairman

The LLFA has engaged directly with the relevant landowners and informed of their riparian responsibilities. This is in accordance with the Leicestershire Ordinary Watercourse Regulation and Culvert Policy.

27. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that one questions had been received under Standing Order 7(3) and 7(5).

Question asked by Mr Max Hunt CC

"In the publicity promoting the Bus Service Improvement Plan (BSIP), the Lead Member is quoted saying that "*It's the more rural communities which are set to benefit most from our plans*". According to government figures which are the five most rural County

Divisions and their corresponding access to a private car, and the five Divisions with the least access to the private car and their corresponding rurality”?

Reply by the Chairman

Five most rural County Divisions and their corresponding access to a private car:

Census	Name	Population Density (number of usual residents per square kilometre)	No car or van in household	1 car or van in household	2 cars or vans in household	3 cars or vans in household
E05005510	Wyndham	19.5	38	246	289	124
E05005497	Croxtan Kerrial	24	38	244	308	181
E05011964	Billesdon & Tilton	28.8	52	390	439	238
E05011980	Nevill	30	46	355	459	304
E05005499	Gaddesby	37.7	42	235	292	168

Population density data sourced from ONS-TS006-2021 dataset.

Five Divisions with the least access to the private car and their corresponding rurality:

Census	Name	Population Density (number of usual residents per square kilometre)	No car or van in household	1 car or van in household	2 cars or vans in household	3 cars or vans in household
E05005435	Loughborough Hastings	1880.4	1113	1338	533	109
E05005436	Loughborough Lemyngton	1505.6	966	1365	492	146
E05005536	South Wigston	2566.3	864	1617	814	277
E05005487	Hinckley Castle	4230.3	775	1439	820	211
E05005452	Thurmaston	2104	723	1801	1104	398

Car availability data sourced from ONS-TS045-2021 dataset.

To put this into context, the County Council through its BSIP and passenger transport network review is aiming to improve and enhance public transport choice for its rural communities where in most cases there is very limited or no provision for them. In contrast, many of Leicestershire’s market towns have access to more frequent and in most cases, commercial bus services and consequently tend to have more destination choice and travel opportunities. Nonetheless, the Council is working hard through Enhanced Partnership with bus operators to support commercial provision to help ensure it is secure and stable for the benefit of Leicestershire communities.

Supplementary Question

“Since the figures show a stark difference between the most rural areas (95% with access to a private car) and those urban areas (36% with no car), it would be more efficient to put our limited resources into driving up patronage in urban areas without access to a car, by working towards lower fares, evening and weekend services, more reliable timetables, a comfortable ride and the protection of a weatherproof bus shelter - and in doing so address our most deprived areas?”

Response by the Chairman

At the request of the Chairman, the Director of Environment and Transport responded that, Leicestershire’s rural areas had a far more limited bus service than its urban areas and market towns. In most cases the more frequent services were provided by commercial operators and residents in urban areas had better opportunities to access services such as health, education, employment where it was more realistic to access these by walking and cycling.

Whilst that was currently the reality of the bus network in the County, the County Council had brought its Bus Service Improvement Plan to the Committee and in implementing the plan, had developed an Enhanced Bus Partnership. This focussed on exploring the opportunities of the type that Mr Hunt had referred to and to implement more of those in the urban areas. The Partnership also looked at how to stabilise commercial services in urban areas to make sure those continued as long as possible, as if they didn’t there would be more of a gap and a funding burden. The Council was therefore very much looking through that Enhanced Bus Partnership to increase the attractiveness of those services for those residents and particularly for the deprived and urban areas. The Director reassured members that the Bus Service Improvement Plan was aimed at addressing this very issue and that the Council was working through our Enhanced Bus Partnership to achieve this.

28. Urgent Items.

There were no urgent items for consideration.

29. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mrs Hack CC declared that she was a Member of Parliament for North-West Leicestershire but was at the Committee in her role as a County Councillor and a Committee Member.

30. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

31. Presentation of Petitions under Standing Order 35.

The Chief Executive reported that no petitions had been received under Standing Order 35.

32. Variation of the Order of Business.

The Chair proposed to vary the order of business as set out in the agenda and moved to take item 10, Local Flood Risk Management Strategy, as the first substantive item.

AGREED:

That the Local Flood Risk Management Strategy item be taken as the first substantive item on the agenda.

33. Local Flood Risk Management Strategy (LFRMS).

The Committee considered a presentation by the Director of Environment and Transport, which provided an update on work being undertaken to deliver the Flood Risk Management Strategy with particular focus on flood preparedness, response and recovery in the light of recent flooding across the County. A copy of the presentation marked 'agenda item 10' is filed with these minutes.

Arising from the discussion the following points were made:

- i) Members recognised that conducting flood exercises and building flood resilience would be critical for the future. It was suggested that focus should be given to community engagement to ensure residents themselves were better prepared for future flooding events and in particular took steps to protect their own property.
- ii) It was noted that the County Council managed the risk of highway flooding and, as Lead Local Flood Authority, worked with district councils and other partners to manage flood risk generally across the County. However, its role was limited as it did not have powers to enforce works to be undertaken, even when an issue and responsibility for that issue had been identified, nor was it allocated resources to carry out works in default.
- iii) A leaflet containing the contact details of relevant organisations with responsibility for flooding matters had been circulated at recent engagement activities in areas known to be at risk of flooding. A Member questioned the accuracy of the leaflet regarding riparian responsibility for ditches, which was shown to be along the centre line of the ditch. The Director undertook to clarify the position and to amend the guidance being provided if necessary.
- iv) Members commended parish and town councils and Flood Wardens for the work they did supporting communities both during a flood event but also to promote the need to be better prepared for the future.
- v) A Member commented that some communities found it frustrating that flooding in their area might not qualify for a full section 19 investigation. Members were reassured that in such cases the Flood Risk Management Team would always informally investigate such events and would seek to address issues in much the same way as was undertaken under the section 19 process meaning the practical outcome of work undertaken by the Team would be very similar.
- vi) Members shared their concerns regarding the impact increased housing and industrial developments would have on flooding across Leicestershire. It was noted that under the current planning system, developers had to demonstrate that

a proposed development would not create any additional surface water run off than an existing green field site and when designing a scheme would be expected to conduct ground testing to check current surface water run-off levels. The Director highlighted that the County Council was only a statutory consultee to the planning process and whilst it could suggest mitigating actions, this was ultimately a matter for the local planning authority to determine.

vii) Members expressed frustration with regard to the current process of grant funding payable from DEFRA, and officers were pressuring DEFRA (alongside other authorities) for a rule change which would enable grants to be paid to the Council in advance to better support grant applicants.

viii) A Member of the Committee noted that the supporting documents of the Local Flood Risk Management Strategy appeared out of date requested information on the challenges with the Environment Agency to address this. Officers suggested that a discussion outside of the meeting would help clarify the documents being referred to.

The Cabinet Lead Member for Highways and Transport thanked the Risk Management Team for its dedication and professionalism.

RESOLVED:

- (a) That the presentation on the Local Flood Risk Management Strategy be noted;
- (b) That the Director of Environment and Transport be requested to confirm the position regarding riparian responsibility for ditches and to amend the guidance being provided to residents if necessary.

34. Network Management - Highway Activity Review.

The Committee considered a report of the Director of Environment and Transport, which provided an update on activity taking place on the highway that fell within the duties of the County council as the Local Highway Authority. The Committee also received a presentation as part of this item. A copy of the report marked 'agenda item 11' and the presentation slides is filed with these minutes.

Arising from the discussion the following points were made:

- i) Members raised concerns regarding temporary traffic lights and the length of time roads remained closed. A member suggested this was particularly frustrating when no works appeared to be being carried out. It was noted that this was a national issue that had been exacerbated by changes in how the sector now operated. Previously multi skilled gangs had been used who were able to carry out works on multiple assets. However, utility companies now used segregated contractors so when issues arose with more than one asset running under a section of the highway, which might not become apparent until works started on site, different contractors had to be brought in at short notice which caused delay. The Council, along with many other authorities had made representations to the utilities sector on the impact this was having and the need for change.

- ii) Members noted with concern the 36% growth in permit applications and the increased resources needed to respond to these in a co-ordinated way. Whilst some of this growth linked to the rising number of developments and the need to connect these to existing infrastructure, secondary faults arising from aging infrastructure were also common requiring more repairs or replacement. Members noted that, for example, Severn Trent Water had increased its growth programme five-fold.
- iii) Following the introduction of improved internal processes, planned works in the highway were better controlled and co-ordinated. However, there would always be the need for emergency works that would have to begin at short notice. Utility companies had a statutory responsibility to maintain their assets and they did not therefore have to inform the Authority prior to starting emergency works on the network and closing roads.
- iv) It was confirmed that concurring work were usually delayed due to logistical difficulties and that, although the duration of works was challenged by the Authority, this had to be balanced against the need to ensure those undertaking works and other road users were kept safe.
- v) Members praised the national one.network website which was updated regularly and provided information on all road issues such as closures or delays on the network. A Member commented, however that there was not always an end date for scheduled works detailed on the one.network website officers were requested to look into the reasons for this. In response to a suggestion for additional signage on site, it was noted that this was not considered as an option as this would cause additional work for a small Inspectors Team across Leicestershire.
- vi) In response to questions raised, the Director confirmed that all statutory undertakers were responsible for reinstating the highway following works being carried out. The Council's Inspection Team reviewed such works immediately upon completion. If not carried out adequately, the Council had the power to issue a financial penalty notice and to seek further reinstatement. The Council did not however, have the resources to carry out works in default. It also did not receive any additional funding to redress the negative impact patchwork repairs had on the overall lifespan of the road.

RESOLVED:

- (a) That the report and presentation now provided be noted and welcomed;
- (b) That the Director of Environment and Transport be requested to investigate why it appeared there was not always an end date for scheduled works detailed on the one.network website and to report back to the Members after the meeting.

35. Members Highway Fund Update.

The Committee considered a report of the Director of Environment and Transport which provided an update on the Members Highway Fund (MHF), which set out the final position statement on the MHF, and confirmed the closure of the MHF, other than to

deliver the final committed schemes. A copy of the report marked 'agenda item 12' is filed with these minutes.

Arising from the discussion the following points were raised:

- i) Members confirmed that the MHF had been a valued initiative and projects delivered had been welcomed within communities.
- ii) It was recognised that most schemes delivered were speed intervention or safety related, and learning would be taken from this going forward when developing highway safety strategies and policy.
- iii) Any scheme that was rejected was usually as a result of the limited resources available or did not meet set criteria.

RESOLVED:

That the report be noted.

36. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on 16 January 2025 at 2.00pm.

2.00pm – 4.13pm
07 November 2024

CHAIRMAN