

**MINUTES of a Public Meeting to consider Flooding issues in Shaw & Whitley held on Wednesday 20<sup>th</sup> February at Shaw Village Hall, Shaw at 7.00 p.m.**

**Present:** Cllr Richard Wood, (Chair of Meeting) Melksham Without Parish Council  
Cllrs. Alan Baines; Elizabethe Bean; Gregory Coombes and  
Maurice Hubert, Melksham Without Parish Council  
Mary Jarvis, Clerk, Melksham Without Parish Council  
Teresa Strange, Finance Officer, Melksham Without Parish Council  
Cllr Mark Griffiths, Councillor, Wiltshire Council  
Danny Everett, Principle Drainage Engineer, Wiltshire Council  
Alison Sullivan, Community Area Manager, Melksham Area Board  
Martin Tidman, Wessex Water  
Residents of Shaw and Whitley

1/ **Welcome and introductions:** The Meeting Chairman, MWPC Cllr. Richard Wood, welcomed all to the meeting and explained how the format of the meeting would proceed. The Chairman introduced the Councillors and Officers to those present.

**1. Danny Everett, Principal Drainage Engineer, Wiltshire Council** explained that he was one of only two Drainage Engineers covering the whole of Wiltshire. Over the last 9/10 months there had been 5 flood warnings in the South. The Shaw & Whitley areas were covered by the Northern Operational Flood Working Group which is chaired by Wiltshire Cllr Jonathon Seed and has a representative from Melksham Without Parish Council. Recently Emma Truran had been seconded from the Environment Agency to assist the Drainage Engineers, although Emma had now left the Country and moved to Australia. Emma had spoken to residents in Shaw & Whitley about their flooding issues and had taken details and photographs which had been marked up on a map. The map would be left after the meeting for residents to populate.

There is one outfall for the area which is the River Avon, which is classed as a main River. Danny Everett explained that he had walked the route to check on its condition and passed the details on to the Environment Agency.

**2. Martin Tidman, Wessex Water** (Principal Engineer)

The Chairman invited Martin Tidman of Wessex Water to make any comments. Martin Tidman explained that Wessex Water were responsible for the waste water from homes. He had discussed with their Operations Manager and they were not aware of any issues in the parish. Sometimes surface water overflows into the foul water drains and this then leads the foul water to overflows. The Chair asked the floor if any residents had knowledge of this happening in Shaw & Whitley, and there were examples raised.

2/ **Top Lane, Whitley:**

**1. Resident Mr Codgbrook, 115c Top Lane:**

Mr Codgbrook explained that he lived next door to the shop and post office, in the lowest part of the dip. His bungalow was the only one that flooded on the 5<sup>th</sup> August 2012, and believes it's due to the building of the new footpath from the shop to the chapel as the 15' grass verge was now asphalt paving with a concrete kerb. (Paving in front of the existing grass verge was not a problem; it was only covering in the ditch leading to the culvert which had caused the problem ) The 4" pipe connected to the kerb was inadequate as it connects to a culvert with a 6" pipe. Leaves shed from the three large trees opposite had blocked the pipe and the flood had brought more debris with it, which had blocked the

drain. The next door neighbour had water gushing into their garden, which is higher than Mr Codgbrook's property, with 2' deep water. The water was 1' deep on the pavement, but the Fire Brigade, who initially did not stop, later explained that there was nothing they could do. Neighbours scooped water from the 4" culvert but it was blocked with debris and despite the help of all the neighbours they were unable to prevent the water coming around the front wall of Mr Codgbrook's property, in came in a big wave, like a tsunami. The water came through the gates and driveway and into the kitchen and lounge.

Since then Andy Cadwallader (Area Highway Engineer, Wiltshire Council) had visited on 20<sup>th</sup> August and explained that an Aco drain was required to fit to the 6" pipe. Engineers dug out a small path in November but it was not opposite the pipe or dug out deep enough; the path was backfilled and the Aco drain, fitted as a temporary measure was then taken away. Contractors then advised that two gully pots were needed at a deeper level, to connect to the storm drain which connects to the Pear Tree ditch. A few weeks ago contractors fitted one gully pot to the drainway of the neighbour's property which was "useless". It had been built too low down and any water would bypass the expensive gully pot. Mr Codgbrook had now received a letter from Andy Cadwallader explaining that no further work was taking place.

Danny Everett explained that the Area Highway Engineer Andy Cadwallader was responsible for maintenance only and installation was not his responsibility and that Andy was trying to help. Danny Everett offered to visit and design an adequate scheme. It may be that the gully pot could not be installed in the right place as gas or electrical services were in the way. It was noted that Danny was on annual leave until 4<sup>th</sup> March.

## ***2. Ditches outside the Pear Tree public house:***

Mr Codgbrook cited the non maintenance of ditches outside the Pear Tree as a contributing factor to the flooding.

Danny Everett explained that this was not the responsibility of Wiltshire Council but the responsibility of the adjacent property. Andy Cadwallader had written to the Pear Tree public house in January, chased them; and has now issued a Work Order. Unitary Councils can issue a 28 day Work Order but there is difficulty in enforcing them in law. To take a landowner to Court can take 6/9 months, however the council will attempt to work with landowners in the first instance before any legal action is taken

Cllr Griffiths advised that all the ditches should be marked up and any issues marked on the map. It was imperative that a Site Visit be arranged with all involved, not just Danny.

***Action:*** Joint site visit to be arranged for outside 115c Top Lane, with Danny Everett, Andy Cadwallader, Parish Councillors, Wiltshire Councillor, Environment Agency and Wessex Water.

## ***3. Resident Mr Tony Bruun, 162 Top Lane***

Mr Bruun explained that due to the freak flood on 5<sup>th</sup> August 2012, residents were unable to get out of the village. Mr Bruun was unable to return his elderly mother-in-law to her nursing home. A rainwater drain is at the end of Mr Bruun's drive, water comes out of the drain and across the road. The Parish Steward had cleared the debris but left it on the side of the road, and when it next rained it was all washed back into the drain and blocked again. Two Sundays ago, a big lorry came with equipment and identified the blockage, which is under the cottages. Mr Bruun queried who was responsible for the drains.

Danny Everett explained that some drains were under private ownership, some owned by Wessex Water, some by Wiltshire Council and some jointly by Wessex Water and

Wiltshire Council. Danny Everett commented that they all strive to do the right thing but in this case the Parish Steward should have taken the cleared debris away, but may not have had room as they would usually put on the back of the truck.

***4. Resident Mr Graham Hackwell, 115d Top Lane: :***

Mr Hackwell explained that he lived in the dip on Top Lane and that the entrance to the culvert is perennially blocked. Trying to keep it clear is a full time job in the rain, and on the 5<sup>th</sup> August he failed resulting in 18” of water in his garage. Half a tree had got blocked in the drain.

Danny Everett explained that a vertical grill had been installed, Wiltshire Council now use a sloped grill which is easily installed and prevents blocking.

Mr Hackwell queried who’s responsibility the culverts were. Danny Everett explained that they were the responsibility of the landowner, or those who benefit from the culvert ie. adjoining landowner. So if under the Highway, then the responsibility of Wiltshire Council (if the highway has been adopted.)

***5. Flooded property in First Lane as a result of Top Lane flooding***

Resident Mr Peter Gray reported that the owners of a property in First Lane had still not been able to return to it following the flood in August.

3/

**Corsham Road down to Shaw School:**

***1. Outside Shaw School:***

Danny Everett reported that the outfall from opposite the school is to the main river, Danny had tracked its discharge and its at the Garage/Workshop at the Countrywide Farmers roundabout. It’s a very flat route, with no significant change in levels. There were a few blockages, some in Whitley, but not significant. Some improvements could be made, to take the flow off the road, this was to be discussed at a Site Meeting arranged with the Environment Agency in a few weeks time. Wiltshire Council were not the landowners and so permission would need to be sought by the Environment Agency to gain access.

Resident Shirley Packer, Top Lane asked why the area directly outside the school was bone dry and contained huge pipes which no one seemed to maintain. Mr Pocock agreed that he had seen no water in there for the last 30 years. Danny explained that the area may well fill with water when the ditches are cleared.

***2. Top end of Corsham Road:***

Danny Everett reported that some work had already taken place at the top end of the Corsham Road. A camera had assessed underground. All the land is owned by private landowners and the relevant landowners have received a letter from Atkins, the contractor. Both Danny and Atkins staff have spoken to some of the residents. Wiltshire Council will carry out the work and leave it in good working order; the private landowner will then be responsible for maintenance.

***3. Residents Mr & Mrs Clive Bollen, 209 Corsham Road:***

Resident Mr Clive Bollen, reported that he had received a letter from the contractors Atkins, about work planned on Corsham Road. He was concerned that the letter did not contain details of any developed plans and asked if these had been drawn up. Danny Everett explained that the system in place in Corsham Road was not ideal as not huge, and was not in good condition. The open section from the Golf Club needed work. Mr Bollen explained that he regularly operated 2 pumps to keep water from flooding his house, but on the 5<sup>th</sup> August the volume of water was just too great to cope with. Danny Everett

explained that it was due to the system's poor repair. When the work had been completed the system will be handed back in "good working condition". Mr Bollen expressed concerns that the system was not big enough with 9" pipes leading into 6" pipes; and that no one had stopped the landowners upstream of his property from filling in ponds, blocking ditches and raising the level of the land. The only place Mr Bollen had left to pump into was the sewer system.

Danny commented that the rainfall in 2012 was the worse experienced for 120 years. He needed consent of all the affected landowners who had now received an initial letter and a plan. This was a no cost scenario for the landowners as Wiltshire Council were bearing the cost of the work and hope to commence the work within the next 3 to 6 months when all the required permissions have been acquired.

Cllr Hubert asked how many landowners were involved, and Danny counted out 10 affected properties. He commented that landowners were unlikely to give permission until they were aware of what was actually happening. The work would also be subject to surveyors input and the Party Wall Act. If work is to take place within 3m of a wall, then landowners would have to inform their mortgage providers and insurers and surveyors reports and conditions reports are required if work is below building footings.

Mr Bollen was surprised that only 3 out of a potential 10 affected landowners had attended the meeting that night.

**4. Cllr Greg Coombes, resident of 211 Corsham Road** expressed disappointment that he had not received a letter from Atkins himself. He was sympathetic to the problems faced by Mr Bollen but reported that the water that Mr Bollen pumps out onto the road then runs down into his own garden. In the past, while the Bradford & Melksham Urban Council was still in place until 1974 there was a parish lengths man employed just to clear the ditches. The lengths man was never replaced and nothing is now done with any infill. Cllr Coombes had been a resident at 211 Corsham Road for 51 years.

#### **5. Field next to Mavern House**

Cllr Elizabeth Bean, resident of the Beeches asked about the flooded field next to Mavern House which contained a variety of livestock. Danny explained that he had looked at the stream and it was in good condition. At the time of inspection there was a small dam and this needs removing and he would be contacting the landowner. The field is dish shaped and the soil is clay, with no grass left. Cllr Bean expressed concern that the right of way across the field was unusable. Danny explained that any concerns over rights of way should be made to the CLARENCE hotline.

#### **6. New Cricket pitch:**

Resident Mr Steven Cole expressed concern that the ditch that ran alongside the field that was now being used as a cricket pitch had not been maintained by the farmer. There used to be a drainage ditch but it was no longer there. Danny explained that there were two different landowners involved in this area, and the proposed works had not been received well. The water flows down to the substation at Westlands Lane; which needs to be able to cope with the flow of water. There are big culverts and open ditches so there should be no problem.

4/

**Any other areas:**

**1. Middle Lane:** Resident Mr Pocock, 106/107 Middle Lane explained that there was lots of water coming from the quarries, which were full of water; and a lot of filled wells. His father's house had flooded which had never flooded before and is still very wet and unable to put a bench on the grass. The paddock too is unable to be walked on. At 3 Brookfield Rise, the water rose to 4' above the garden; which itself is 2' above the pavement.

**2. Resident Mr Richard Hibbott, 151 West Hill:** On the flood of the 5<sup>th</sup> August, the run off from the hill behind meant their neighbour's house was flooded and their cellar was also flooded. The Hibbotts had lived at their property for 40 years, and many of the neighbouring ditches were now blocked including the ditch down West Hill. The rear wheel of the hedge trimmer fills in the ditch as the hedge is cut. They too suffer constant anxiety of due to the need to carry out pumping of water.

**3. Resident Mr Terry Bollen, bottom of West Hill:** Mr Bollen explained that on the flood of the 5<sup>th</sup> August the water came within 1" of the bungalows on either side of the road at the bottom of West Hill. Some work had been done in Purlpit, and queried whether there were plans for any work in the area of West Hill.

**4. First Lane (Weavers Cottage):**

Resident Mr Peter Gray reported that there was constant flooding in First Lane (Weavers Cottage). The piping outside Mr Gray's property is larger than the pipe down at the cottage. The ditch is terribly overgrown, with lots of brambles. There is water on the road, due to the backlog caused by a large pipe flowing into smaller pipe. A 33' boundary wall collapsed due to the flood water and the neighbouring bungalow had been flooded by 3' of water; they were still to return to their property since the August flood. The wall had been hit by a wave of water, which was the direct result of the blocked tree being removed from the culvert; the garden took the full brunt of the wave. Mr Gray explained that the property had flooded before in 1979 but not when he was a boy as an open ditch used to run down First Lane. Mr Gray felt that the pipe under the road needed to be looked at.

Danny explained that it would first need to be identified on a plan. When new housing is now planned they drainage was modelled on an IT system but when then drainage was designed for Whitley years ago there was no such high tech system.

Mr Grey explained that the pipe past his house was much bigger than the pipe under the road. Danny suggested that this may be due to the storage capacity in the larger pipes but couldn't be sure as he didn't have the original plans or details

**5. Mr Norman Mitchell, resident of 122 First Lane:**

Resident Mr Mitchell reported that he had lived in First Lane for 30 years and in recent years the road had been impassable. The water crosses the road and flows into the field which is a flood plain. It was imperative that the field must remain as a flood plain.

Wiltshire Cllr Mark Griffiths explained that in Wiltshire Council's Planning Core Strategy until 2026 there were no plans for building on those fields.

**6. Ann White, resident of 32 Ashley Close:**

Resident Ann White explained that she regularly clears the debris from the old cattle crossing at her bungalow to prevent blocking the water flow, but it was becoming increasingly more difficult to do as she got older.

### **7. Julie Turner, resident of Shaw Hill:**

Resident Julie Turner explained that there has been flooding on the road and pavement at Shaw Hill. In the 1990s Wiltshire Council cleared the ditches all the time but not anymore. The ditches needed to be cleared. Danny suggested that the residents could club together and share the cost of a digger to do works on their land as this would be the cheaper option. This may cost as little as £20/£30 each to enable them to hire a digger. Julie Turner explained that they have to clear the ditches by hand due to the BT chambers and cables in the ditch, to prevent flooding at their own properties. Danny said that prior to any excavations the area must be checked for utilities

The Beeches resident Mr Richard Bean asked if the rat hole at the top of Shaw Hill could be cleared to prevent the water splashing up. Danny explained that this was something that the Parish Steward may be able to do with a drain rod. Danny explained that the Gully tanker works Monday to Thursdays on programmed maintenance but on Fridays have the capacity to act on adhoc requests that come through the CLARENCE hotline. Danny suggested that the Parish Council put this request through to CLARENCE.

### **8. Bath Road:**

Mr Bean explained that the Bath Road would not fall under Wiltshire Council's "standing water on high speed road" criteria as not an unlimited speed limit on that stretch of road, but nevertheless there was standing water on the corner near the traffic lights and the Shaw Pet Centre; now there were no longer drains outside the Pet Centre. Another watercourse was needed, past the Shaw Country Hotel (from Dunch Lane to Shaw Church).

Danny explained that Wiltshire Council's aim was to clear gulleys every 12 months, but any standing water on roads should be reported to CLARENCE. Before roads are resurfaced, Wiltshire Council always check underground using the camera system to ascertain if any remedial work to be carried out before the resurfacing work commences.

5/

### **Landowners responsibilities for watercourses:**

Danny Everett explained that the roadside ditches are the responsibility of the adjacent landowners to clear, and not the responsibility of Wiltshire Council. As the Highway Authority, Wiltshire Council have the authority to discharge water into the ditch but are not responsible for maintaining them in most cases. See document Living on the Edge from the Environment Agency

Wiltshire Cllr Mark Griffiths explained that Wiltshire Cllr Jonathon Seed, Chairman of Melksham Area Board and the Northern Operational Flood Working Group was contacting landowners again about their responsibilities. Emphasising that if they are cutting the hedges, they should also be clearing the ditches, and not to put hedge cuttings in the ditch.

Danny Everett explained that it is a long drawn out problem to enforce action against landowners. Wiltshire Cllr Seed has written as Chair of the Flooding Ops Group to local MPs James Gray (North Wiltshire constituency), and Richard Benyon (Natural Environment, Water and Rural Affairs) to ask them to look at the current legislation. At present farmers receive a block payment to cover their duty to look after hedgerows, but the legislation does not impose a duty on them to take care of watercourses.

Resident Mr Pocock, 106/107 Middle Lane explained that he had recently hired a digger at his own expense to clear the open ditch near his property and within 30 minutes of starting

work he received a 'phonecall from Wiltshire Council instructing him to stop work as a Health & Safety precaution.

Both Wilts Cllr Griffiths and Danny Everett expressed concern at this and were disheartened to hear what had happened in practice when they were encouraging and advocating landowners to undertake the work themselves under their responsibility for maintaining their adjacent water courses.

Danny recommended an Environment Agency publication “Living on the Edge” which was a booklet outlining the responsibilities of landowners.

Danny Everett explained that Wiltshire Council do have a digger, which is used for ditch clearing but there may be budget constraints related to its availability for the next financial year. The priority for work to be carried under the intervention criteria for drainage is by Wiltshire Council was for those that will cause “danger” to highway users

The Council’s Intervention Policy was for the following priorities:

1. Standing water on high speed roads
2. Flooding to internal property
3. Low speed road (may be higher in winter due to ice)
4. Residential land
5. Agricultural land

Danny explained that new legislation had been introduced following the floods in 2007. The onus is now on Local Authorities to locate and map assets. Historically this did not need to be done as it was “clean” water. Wiltshire Council had started this process 10/12 years ago before the legislation came into place 12 months ago and has been using a camera, cleaning, identifying and mapping its assets. It has still only mapped 5-10% of its assets some 12 years later. Wessex Water probably have a greater knowledge of Wiltshire Council’s assets than Wiltshire Council as they have to map all the “foul” water assets and will annotate and record any “clean” water assets they encounter. Wiltshire Council does have the historic watercourse maps and parish records dating back from the 1600/1700s.

Danny Everett explained that this was a good time to try and get work done to alleviate flooding issues. Eighteen months ago there was no appetite for flood alleviation but the rainfall last year had brought it all to the forefront of people’s minds, and it therefore was the right time to take act. The best people to start the process were the communities themselves.

6/

### **Summary:**

Danny urged residents to mark up the map he was leaving with the Parish Council; to ensure that there was a record of where areas flooded regularly; and to provide photographic evidence too if possible. Danny assured residents that insurance companies were not notified of any flooding information shared by residents.

Resident Mr Pocock explained that in November the flood water was just inches from the brand new hall at Shaw School and that it was about time that the local landowners took responsibility for their actions and the affect on its local community.

Resident Mr Tony Bruun expressed his thanks to Danny Everett for his openness and honesty, especially with highlighting the issues with the landowners. However, although there were clearly good intentions, he did not feel reassured. Mr Bruun felt that now Major Fuller had reopened his quarries, he should be prodded into action as one of the big local landowners.

Wiltshire Councillor Mark Griffiths felt very confident that with Wiltshire Cllr Jonathon Seed's involvement, the landowners will be encouraged into action. They were now ahead of the game and in a good position to be ready, for when the money was available. The Shaw & Whitley area would be first in the queue.

Cllr Maurice Hubert asked for it to be made clear to the landowners that residents were suffering as a result of actions such as putting grass cuttings and hedge trimmings in the ditches; the landowners need to be made aware.

The Chairman agreed that the Parish Council would make residents aware via articles in the Shaw & Whitley Connect magazine and Council Quarterly Newsletter in the Melksham News.

Martin Tidman, Wessex Water gave the telephone number for the Control Centre (manned 24/7) for reporting foul drainage to Wessex Water. Tel: 0845 6004600.

The Chairman thanked the Councillors, Officers and residents for attending the meeting. He closed the meeting by reminding residents to mark up the map provided by Danny Everett; either that evening following the meeting or by calling into the Parish Council offices (which were open Monday, Tuesdays and Thursdays).

Maureen Hibbott asked about setting up a flood working group. Danny advised that Renate Malton at Wiltshire Council would be able to advise about flood wardens and setting up a local flooding group.

Meeting closed at 8.30 p.m.

Chairman, 22<sup>nd</sup> April 2013