



Llywodraeth Cymru
Welsh Government

PUBLICATION

Flood and Coastal Erosion Committee meeting minutes: 26 May 2022

Summary of the meeting held on 22 May 2022.

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12. Any other business previously notified to the Chair

**13. Date and venue of next meeting – Thursday 29th September 2022,
Newport Civic Centre Council Chambers, Newport, NP20 4PR, 10am – 3pm**

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1. Attendance

Present

Martin Buckle (MB) Chair; Andrew Stone (AS) Rhondda Cynon Taf County Borough Council; Darren Thomas (DT) Pembrokeshire County Council; Geraint Edwards (GE) Conwy County Borough Council; Karen Potter (KP) Open University; Paul Blackman (PB) Wallingford Hydro Solutions; David Harris (DH) Independent Consultant; Anne-Marie Moon (AMM); JBA Consulting; Jeremy Parr (JP); Natural Resources Wales; Mike Wellington (MW) Waterco; Natalie Haines (NH) Mott MacDonald; Catherine Wilson (CW) Cardiff University; Dominic Scott (DS) Dwr Cymru – Welsh Water.

Apologies

Jean-Francois Dulong (JFD) Welsh Local Government Association; Lorna Davis (LD) National Farming Union Cymru.

In Attendance

Leanne Llewelyn (LL) Welsh Government; Lowri Norrington-Davies (LND) Welsh Government; Tom Trapman (TT) Welsh Government; Peter Allbrook (PA) Welsh Government; James Jewell-Edmonds (Secretariat) Welsh Government; Angharad Llewelyn (AL) Pembrokeshire County Council; Poppy Jones Law Commission; Charlotte Black (CB) Law Commission; Sarah Smith Law Commission; Matthew Jolley Law Commission; Seth Newman Audit Wales.

1 - 2. Apologies and introductions

3. Declaration of Interests

The Chair asked members of the Committee to consider the papers and declare if they had any conflicts of interest, none were given. The Chair advised members that today's meeting will be recorded by the secretariat.

4. Minutes of the meeting held on 27 January 2022, and Matters Arising

Draft minutes had been circulated for comment and subsequently published.

The Chair noted that all actions had been completed, aside from action 2, which will be completed in due course.

5. Chair's Announcements

The Chair provided an update to the Committee on the meetings and events that he had attended since the last meeting of the Committee. At the end of January, he attended a webinar organised by the Environment Agency to disseminate the conclusions of a research project on Flood & Coastal Erosion Risk Management (FCERM) governance in England and Wales, with a particular focus on partnership governance. This is highly relevant to the work of the Resources Sub-Committee. Kate Kipling, the leading researcher on the project, has accepted an invitation to give a presentation to the Sub-Committee at its next meeting on June 21st, with a particular focus on Wales.

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In February, he attended a meeting of the Flood and Coastal Risk Programme Board. The meeting reviewed the forecast for the end of the financial year, offered its advice on the allocation of capital funding for schemes submitted to the pipeline, and considered the draft revenue budgets for the next three years. It also considered the final draft of the Resources Sub-Committee report, which includes proposals for an expanded role for the Board.

Also in February, he attended the inaugural meeting of the All-Party Parliamentary Group for Sustainable Flood and Drought Management, which is chaired by Andrew Percy MP, with the Association of Drainage Authorities providing the secretariat.

In March, he attended the quarterly meeting with the Chairs of the English RFCCs. Of particular interest was an update on the floods which had occurred in England in February. There was also a review of progress on the six-year programme of schemes across England overseen by the Environment Agency. The next quarterly meeting takes place in July.

The Chair also met, during March, with colleagues from the Law Commission for England and Wales, as a follow up to the discussions at the last meeting of the Committee, and to maintain a dialogue as the Commission starts to firm up on its recommendations for its 14th Programme of Law Reform.

Also in March, Jeremy Parr and the Chair attended a meeting of the National Infrastructure Commission for Wales to seek their feedback on the conclusions of the Resources Sub-Committee. They also took the opportunity to offer the Committee's support on the forthcoming assessment on minimising flood risks that the Commission is being asked to undertake, under the updated Programme for Government.

Again, in March, he met with colleagues from Audit Wales, who have a commitment to carry out some work on flooding and coastal erosion. Initially a facts-based summary of current issues is under preparation. A second task,

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starting later in 2022, will be a more traditional audit-based piece of work.

Looking ahead to June, he has accepted an invitation from the Planning Officer's Society for Wales, along with Karen Potter, to attend a workshop on TAN15.

6. Items from the Regional Groups

DT provided an update from a West Wales perspective. He had attended the Regional Flood Management Group meeting in May alongside AL and JFD. An important issue raised was the revenue grant approval (which was very useful and welcomed). The discussion focused upon the recruitment of additional staff to build capacity. Demand is increasing but income is inconsistent; some group members felt national collaboration was good, but there could be some improvements on a regional basis. There was plenty of discussion around skills and capacity, which remains an issue. Swansea Council are specifically looking at new resources, with JFD reporting on feedback from the Regional Skills Partnership. Workforce retention also remains a big problem. NRW reported on a graduate scheme that the organisation has in place, with the aim of raising the profile of FCERM careers in educational settings.

AS provided an update from a South East Wales perspective. Plans are in place to monitor progress on scheme delivery across SE Wales, focusing on Local Authorities which are pushing schemes forward and delivering – help and collaboration will be offered when needed.

AS further noted, that skills and capacity issues were discussed in the meeting, specifically highlighting the lack of available courses from Level 3 – Level 5, not necessarily at master's levels. Also highlighted were issues with the capital portal, noting some blips in the system; work is ongoing with Welsh Government to iron out where appropriate. Also discussed was the Communities at Risk

Register and how this has not been updated since 2018. These updates need to be actioned as soon as possible. Furthermore, there was a big discussion around Section 19 reports, with a number of them ongoing in the South East Wales region.

JP commented that skills and capacity is a recurrent theme and issue in the field of FCERM. An update was provided on a Natural Resources Wales (NRW) graduate sandwich scheme, involving graduates spending 12 months working for the organisation as part of an academic placement; this activity is relevant to the Resources Sub-Committee report. NH noted that interviews for academic placements have been arranged to take place from September 2023 onwards; currently there is 6 months left to engage with universities and to advertise.

GE provided an update from the North Wales region. Recruitment and staff retention is a common theme, along with availability of training and lack of course providers. Reference was made to the North Wales sustainable drainage systems (SuDs) manual, in which a Welsh version is currently being reviewed and includes reference to Coastal Risk Management Programme (CRMP) schemes currently underway. Discussion was had to merge the flood risk management plan (FRMP) and strategy into one document.

7. Coastal Adaptation Scheme at Newgale, Pembrokeshire – Presentation by Angharad Llewellyn, Coastal & Rivers Engineer, Pembrokeshire County Council

AL gave a presentation to the Committee on the Coastal Adaptation Scheme at Newgale, Pembrokeshire. A discussion followed, with Committee members raising a number of questions.

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DT highlighted an issue regarding funding for solving the impact of flood risk - the Newgale example is one where the direct impact on property / community in the immediate vicinity is limited. But the impact of climate change means the loss of a significant piece of infrastructure affecting the much wider St Davids peninsular. This nuance has caused some interesting discussions - from flood risk there is limited benefit directly; from a transport perspective it does not add capacity. But the problem of climate change means a significant impact overall – ultimately, where the funding comes from is a question which requires an answer.

8. Wales Infrastructure Investment Strategy - Peter Allbrook, Divisional Deputy and Head of Commercial Assurance

PA gave a presentation to the Committee on the Wales Infrastructure Investment Strategy (WIIS). A discussion followed, with Committee members raising a number of questions.

JP expressed a view regarding the Newgale funding – there are sometimes no easy routes to access funding without direct flood risk management benefits, thus it would be useful to incorporate wellbeing goals when planning. PA also commented on Newgale funding, noting the scheme is both a challenge and an opportunity; the outcomes approach assists with this – WIIS should be helpful when planning to connect to key actions and outcomes.

JP commented that it would be useful to explore further how the WIIS could be connected to the adaptation (to flood, but with multi benefits) agenda.

NH noted that funding set out in the Infrastructure Finance Plan (IFP) in WIIS for the next 3 years, is a remarkably smaller number than what has previously been

invested in FCERM. Such schemes were historically major beneficiaries of EU funding - what are the likely reasons for this reduction? PA responded by noting the ever-decreasing pot with ever increasing need. Across the board it has been challenging to give services what they need with the funding settlement which has been given. MB highlighted the role of the UK Government in that their funding is now an issue; funding programmes which have recently launched do provide some scope for flood risk management – however, better definition of these programmes in the context of FCERM is needed.

ACTION – LND to take NH IFP question to FCERM finance colleagues and provide response.

MB commented that FRM infrastructure is probably one of the most ‘cross cutting’ areas and that funding for this area is critical. What are the mechanisms which will be utilised in ensuring the strategy is implemented and complied with? While the Strategy is a non-spatial strategy; the issue of coastal adaptation is a particularly cross-cutting issue – could there be a specific dimension of the strategy which focuses on coastal adaptation? MB indicated that a dialogue on this was needed. PA highlighted that evidence of success in meeting outcomes is one of the measures to assess whether programme funding is made available in the future.

9. Reports

9.1 Flood and Coastal Erosion Committee Annual Report 2022 – To agree the Report

MB noted feedback from JP on research as part of the joint programme with the EA; JP needs to be included alongside JFD and KP as a contributor.

MB asked for approval of the report subject to that amendment, and *this was*

agreed by the Committee.

9.2 Resource sub-committee – To receive the minutes of the meeting held on 5th April 2022, and the Report of Consultations, and to consider the Final Report for approval.

MB requested any questions or comments on the RSC meeting minutes – none were offered by the Committee.

MB noted that of interest are the professional institutes' responses to the consultation, which were comprehensive and were welcomed in terms of engagement. One Voice Wales was also engaged, and their response provided a welcome perspective from town and community councils. Several comments on capital funding and partnerships came back. Skills and capacity did not generate a lot of comment in terms of detail, but did generate a great deal of comment for support in this area. Governance and collaboration were mentioned, with strong levels of support for the proposals. The topic of community engagement provided detailed comments and feedback, very much focusing on the fact that this is an area which is not resourced and prioritised as much as it perhaps should be.

DT commented on skills and capacity – first we need to create capacity to investigate these issues and establish the resources to take this forward. In terms of addressing this problem, the report suggests using data to establish an evidence base to take back to the education and skills teams within WG.

KP commented on community engagement - emphasising that the third sector is also under-resourced and needs to be strengthened.

MB outlined that the FCEC now have a set of 20 proposals for submission to the Minister. It will take the Minister / WG a while to respond to these, so it would be prudent to consider some actions that can be taken in the interim. It was acknowledged that an early meeting with WG colleagues would be needed, with

the suggestion that the Resources Report should also be discussed at the next programme board meeting.

ACTION – LL to progress meeting arrangements.

The Committee *approved the report*, with thanks to members of the Sub-Committee for their time and commitment to the work.

9.3 Policy and Legislation Sub-Committee - To receive the Draft Final Report and the minutes of the meetings held on 24th March 2022 and 25th April 2022.

AS requested comments on the two sets of meeting minutes presented – these were accepted by the Committee.

AS provided an overview of the final report, noting the difficulty to draft it from a non-legal practitioner perspective. A small amount of consultation has been undertaken to give general views on legislation. A set of questions were formulated which the Sub-Committee refined from the long list. Three focus areas that came out of the long list were: control of FCERM assets, roles and responsibilities, and adaptation and resilience.

NH noted that the Environment Agency in England are looking to reignite interest in working with natural defences and utilising Natural Flood Management. NH requested input from the Newgale team on public rights of way issues.

PB drew attention to the evidence base as outlined in the appendix, with recommendations stemming from the evidence.

AS highlighted that many of the recommendations need input from a legal perspective. The project is cross-cutting, and there is a need to extend the conversation with the Law Commission, with a view to obtaining synergy between their work and that of the Sub-Committee.

MW noted the primary focus on getting landowner buy-in; the coastal issue is often that you are dealing with multiple landowners.

AS commented that duties and powers have been an ongoing debate i.e., we have got lots of powers, but are they being used correctly / enough – also, are you able to use your powers effectively? – ongoing work will feed into this.

MB asked if there are end dates when some of the wider work will become available for the FCEC and others? AS noted that the DEFRA work extends into next year; CIRIA (Construction Industry Research and Information Association) work is imminent - MW to chase.

MW commented on powers and duties – compared to the Highways Act, there are several duties to keep roads clear of water which can impact on FCERM. As such, there are duties in other Acts which could impede FCERM. MB commented that it would be interesting to have some insight into how Local Highway Authorities are balancing their duties under the Highways Act and those under the Flood and Water Management Act (FWMA).

AS noted how roads themselves can be used as conduits for removing flood water, however, conflicts between duties often exist, and highways duties often seem to take precedence. DT highlighted an example at Amroth in Pembrokeshire, in which the Highways Act has been quoted as a reason why managed retreat should not be adopted. DT has pushed back and sought barrister advice; DT offered to share this work with the Sub-Committee.

AS referenced FWMA Schedule 1, under which RCT have investigated several structures. A number of walls were identified as protecting properties from flood water; however, issues were noted with costs. There is a view that to have a functional Schedule 1, benefits need to outweigh costs. MW noted feedback that the appeals process of Schedule 1 was too costly to pursue use of the Schedule.

KP suggested a need to focus on integration, with a view that this should be bolder and look at more cross-cutting areas such as the Newgale scheme.

AMM suggested that the Coastal Risk Management Programme (CRMP) is a good example of the challenges of cross department funding and partnership working. It sets out with the aim of innovation and adaptation, aiming to bring in different WG departments to work with the flood risk schemes and contribute, in order to achieve wider benefits. However, it was difficult to get buy in / funding from other departments such as highways and tourism. CRMP brings different departments to board meetings, but they all have different priorities, which means that cross-department funding has not yet happened.

CB was invited to provide a Law Commission update. She expressed thanks for inclusion of the Law Commission in discussions leading to the report. Whilst the Law Commission have looked closely at this area, they have not yet committed to a project. It is better to have flexibility going forward, so currently there is no set timetable for finalising the programme. There is a need to continue dialogue with DEFRA and WG to commit to a programme on flooding, which could require the support of both organisations; there remain a few hurdles prior to committing to do a project in this area – however, having the recommendations in the report will help with this. CB will take away the draft report to circulate internally within the Law Commission and will feedback with comments.

AS noted that the Sub-Committee has scheduled a meeting for the middle of June to come together and discuss all comments on the draft report and would welcome further comments over the coming weeks.

MB asked for feedback from the Committee on the draft report by a deadline of 10 June 2022.

9.4 Committee Work Programme - To receive the report of the Chair, and to consider the recommendation that the updated Work Programme be approved.

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MB provided an update on the Work Programme. The regular 12-month review and roll forward will take place at the September 2022 meeting.

AS noted that the Policy and Legislation Sub-Committee has alterations to propose to the Work Programme. AS to forward these to MB for update.

The Resources Sub-Committee will be reviewing its continuing role at its meeting on June 21st.

MB noted that there is a consultation from WG on Coal Tips Safety which closes on 4 August 2022 – this will be added under theme 10 as another element of work. On theme 12, MB noted the need to know more about the timescale of the independent review on Section 19 reports. MB also highlighted updates to Annex 2.

10. A resolution to exclude members of the public where publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be discussed.

This resolution was agreed.

11. Coastal Adaptation Guidance – Lowri Norrington-Davies, Senior Policy Manager and Tom Trapman, PHD Student – Flood and Coastal Erosion Risk Management, Welsh Government

TT gave a presentation to the Committee on the proposed Coastal Adaptation Guidance. TT was offered thanks from the Committee for the work undertaken on the document and for the subsequent presentation; Committee members offered feedback on the presentation.

ACTION: FCEC Members will provide detailed comments by 24 June 2022.

12. Any other business previously notified to the Chair

The Chair advised that he had not been notified of any AOB items.

13. Date and venue of next meeting – Thursday 29th September 2022, Newport Civic Centre Council Chambers, Newport, NP20 4PR, 10am – 3pm

The Chair concluded the meeting.

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