

Question 1

In addition to powers already held by Caerphilly Council, do you agree or disagree that no person should undertake the above works without the approval of the Council?

Comment	CCBC Response
Avoid unauthorised work which ultimately leads to flooding.	Agreed - No response required
I fully agree that the Council should have the powers to consider what works do and do not occur on watercourses. This will help the Council manage the risk of flooding in its area, and as suggested create consistency across Wales	Agreed - No response required
There needs to be some control and the council needs to be aware of any works to ensure they are of the appropriate standard and meet safety requirements	Agreed - No response required
Where the works are in line with general land husbandry such prior approval could be seen as an interference with the landowners activities. And where delay in undertaking such works awaiting approval could facilitate greater damage; the works undertaken with permission should be approved retrospectively.	Disagree - Byelaws cover activities which are considered to have a flood risk impact and require management for flood risk/ environmental purposes. Activity with no/limited flood risk/ environmental impact is covered under riparian responsibilities. Land Drainage Act consents cannot be considered retrospectively, and approval would follow a standard timescale set out in the relevant legislation/policy.

Question 2

Do you agree or disagree no person should be able to interfere with a flow controlling structure without the approval of the Council?

Comment	CCBC Response
Such structures provide and perform a key flood defence function; as such no person should interfere with them without the relevant approvals. This will help Councils manage flood risk in their area.	Agreed - No response required
Any interference with water courses or drainage could cause problems in other areas	Agreed - No response required
Any structure designed to affect the flow of water could, in theory, be a detriment during inclement weather if not operated or installed correctly.	Agreed - No response required

Question 3

Do you agree or disagree that a person owning/controlling a flow control structure should be responsible for maintaining it in a proper state of repair?

Comment	CCBC Response
32 - Agree	No comment required
1 - Disagree	No comment required

Question 4

Do you agree or disagree with the proposal to restrict building structures over/near a watercourse/ culvert?

Comment	CCBC Response
Agree, to reduce the risk of flooding	Agreed - No response required
The land owner/ riparian owner should be responsible for any structure within their land, and also liable for any damages resulting from failure to maintain such an asset.	Agreed - No response required
I agree with restricting the building of structures over water courses	Agreed - No response required
These devices should also fall under a routine inspection regiment by the local authority, to establish that they are being maintained to an acceptable level.	Noted - Inspections are carried out on a regular basis for CCBC assets, however, the private assets are the responsibility of the riparian owners.
Agree	No comment required
Agree	No comment required
If it is theirs by choice/personal gain - they should be wholly responsible. If it is theirs by enforcement/inherited or for communal or community protection, then responsibility should be shared in a proportionate manner.	Disagree - Allowing proposals to build over a culvert/ watercourse would create problems for future access/ maintenance by the riparian owner and could cause an increase in flood risk downstream.

Question 5

Do you agree or disagree that certain activities that can cause flooding should be restricted?

Comment	CCBC Response
Fully agree, how can a Council manage flooding in its area within the necessary powers? Such activities are un-regulated and can present a significant flood risk. The planting of trees within the Byelaw distance has the potential to create significant flood risk and environmental betterment. As such	Agreed - No response required

<p>this activity would be fully supported. Perhaps the Council could consider a tree planting program along watercourses?</p>	
<p>Indiscriminate storage of materials could result in the blockage or contamination of water courses</p>	<p>Agreed - No response required</p>
<p>These byelaws will control all watercourses, and I assume that the byelaw distance for the purpose of this control will be 8 metres. Many of the smaller watercourses will have vegetation, including trees, very close to them, if not on and within the bank, which will be of visual and ecological importance. The exercise of the byelaws should not prevent new planting in those locations where it enhances the amenity and ecological value of the watercourse. You may wish to consult ecologists about the byelaws.</p>	<p>Agreed - No response required</p>
<p>Where land is likely to flood. ground should not be drained off in to a ditch and then directed in to main drains. The drains then overflow.</p>	<p>Noted</p>
<p>Only reservation is some activities are ok at some seasonal times and not others</p>	<p>Noted</p>
<p>Unfortunately the Council still has a tendency to allow buildings to be built on flood plains. Another case of short term income and never mind the consequences.</p>	<p>Disagree - The construction of buildings on main River flood plains are considered under Welsh Government Planning Policy (Technical Advice Note 15: Development and Flood Risk).</p>
<p>The byelaw needs to be re-worded to avoid application such that the Authority is placed in the position, perceived or actual, of interfering in the landowners' husbandry of the land including the watercourse owned by the landowner.</p>	<p>Disagree - Byelaws cover activities which are considered to have a flood risk impact and require management for flood risk/ environmental purposes. Activity with no/limited flood risk/ environmental impact is covered under riparian responsibilities.</p>

Question 6

Do you agree or disagree with the proposal to restrict building structures over/near a watercourse/ culvert?

Comment	CCBC Response
<p>Main Rivers have this restriction to manage the risk of flooding from them. An ordinary watercourse is no different, therefore this restriction should apply. People are often not aware they are riparian owners of culverts and building over a culvert or similar can present a significant future risk. If a culvert should fail, how can the riparian owner reinstate it? A limitation on building within the</p>	<p>Agreed - No response required</p>

distance will be perceived as difficult, however it can only provide long term benefit.	
A flexible approach should be taken to imposing the 8 metre restriction depending on the nature of the development, the size of the watercourse, and the maintenance needs.	Disagree - A standard approach in the implementation of the Byelaw distance will provide consistency in decision making. With the effects of climate change increases in watercourse flows are likely, therefore maintaining a clear margin neighbouring the watercourse will manage the risk of flooding.
Depending on the development, and the potential benefits proposed, there may be occasional need to 'divert' the watercourse for longer term sustainability reasons. Sometimes, past development and establishment of existing watercourses may have not been the best engineering solutions in the first place and so recourse may be required that could offer better solutions. This should be made a flexible (case by case) and not rigid control. Especially in already over developed or urbanised areas.	Noted - Proposals to modify an existing watercourse would be considered under the Land Drainage Act.
Again the Council needs to look at its Housing Development Project and look where they are being built. Who is overlooking the Council's decisions?	Agree - Matters relating to flood risk management are regulated by the Lead Local Flood Authority which reports to Welsh Government/ Natural Resources Wales.
The byelaw needs to be re-worded to avoid application such that the Authority is placed in the position, perceived or actual, of interfering in the landowners' husbandry of the land including the watercourse owned by the landowner.	Disagree - Allowing proposals to build over a culvert/ watercourse would create problems for future access/ maintenance by the riparian owner and could cause an increase in flood risk downstream.

Question 7

Do you agree or disagree with the proposal that requires any person owning or having control of a building, fence or structure on, under or over a watercourse/culvert to maintain it in a proper state of repair for the purpose of preventing flooding and management of the drainage network?

Comment	CCBC Response
Owners should have liability to maintain any structures on their land, especially ones that could affect other people.	Agreed - The land Drainage Act imposes riparian duties on landowners to maintain the free flow of water where it crosses their land. Each landowner is responsible for the section of the culvert/watercourse running under or through his or her land. This responsibility includes maintaining culverts in a reasonable condition.
Maintenance is keen to defence features.	Agreed - The land Drainage Act imposes riparian duties on landowners to maintain the

	free flow of water where it crosses their land. Each landowner is responsible for the section of the culvert/watercourse running under or through his or her land. This responsibility includes maintaining culverts in a reasonable condition.
The owners should have a legal obligation to maintain any kind of structure	Agreed - The Land Drainage Act imposes riparian duties on landowners to maintain the free flow of water where it crosses their land. Each landowner is responsible for the section of the culvert/watercourse running under or through his or her land. This responsibility includes maintaining culverts in a reasonable condition.
The byelaw needs to be re-worded to avoid application such that the Authority is placed in the position, perceived or actual, of interfering in the landowners' husbandry of the land including the watercourse owned by the landowner. Particularly in the maintenance and delineation of boundaries.	Disagree - Byelaws cover activities which are considered to have a flood risk impact and require management for flood risk/ environmental purposes. Activity with no/limited flood risk/ environmental impact will be covered under riparian responsibilities.

Question 8

Do you agree or disagree that a person owning or occupying land where there is a watercourse, that they should be responsible for the maintenance and removal of vegetation causing restrictions in flow?

Comment	CCBC Response
Should maintain the free flow of water in the watercourse that they own.	Agreed - The Land Drainage Act 1991 imposes riparian duties on landowners to maintain the free flow of water where it crosses their land. Each landowner is responsible for the section of the culvert/watercourse running under or through his or her land. This responsibility includes maintaining culverts in a reasonable condition.
Fully agree, Council needs the powers to manage the risk of flooding.	Agreed - The Land Drainage Act 1991 imposes riparian duties on landowners to maintain the free flow of water where it crosses their land. Each landowner is responsible for the section of the culvert/watercourse running under or through his or her land. This responsibility includes maintaining culverts in a reasonable condition.
They should have a legal obligation to maintain any watercourse on their property	Agreed - The Land Drainage Act 1991 imposes riparian duties on landowners to maintain the free flow of water where it crosses their land. Each landowner is

	responsible for the section of the culvert/watercourse running under or through his or her land. This responsibility includes maintaining culverts in a reasonable condition.
Difficult to enforce natural vegetation to be cut isn't that part of the natural process of siltation who would check and monitor.	Agree - A risk based approach is applied to matters of land drainage, works would be regulated by the Lead Local Flood Authority.
Surely this could be another situation where the landowner may not or should not take or have sole responsibility, and historical consideration should be taken into account depending on how the watercourse came about in the first case.	Disagree- The Land Drainage Act 1991 imposes riparian duties on landowners to maintain the free flow of water where it crosses their land. Each landowner is responsible for the section of the culvert/watercourse running under or through his or her land. This responsibility includes maintaining culverts in a reasonable condition.
The distance needs specifying	Agree- The byelaw distance is specified within the definition and interpretation section of the Byelaws
Caution should be applied here so as not to allow such a byelaw to interfere with the natural ecology within the watercourse within the ownership of the landowner.	Agree- The Land Drainage Act requires consideration to be taken of ecological/ environmental factors.

Question 9

Do you agree or disagree that in certain circumstances animals should be restricted from damaging watercourse bed and banks?

Comment	CCBC Response
Animals can cause a lot of damage to watercourse banks.	Agree.
As long as any animal has adequate access to water	Disagree - The Byelaw is worded to permit access by animals for watering by taking all steps necessary to prevent damage by such use.
This can be the only source of water which the animals get. The byelaw is still inadequate because the Council doesn't take enough offenders to court due to " It costs too much" even though they have their own Legal Department.	Noted
With a caveat of severe use. However it may be considered that the byelaw needs to be re-worded to avoid application such that the Authority is placed in the position, perceived or actual, of interfering in the landowners' husbandry of the land including the watercourse owned by the landowner	Disagree - Byelaws cover activities which are considered to have a flood risk impact and require management for flood risk/ environmental purposes. Activity with no/limited flood risk/ environmental impact is covered under riparian responsibilities. The Byelaw is worded to permit access by animals for watering by taking all steps

	necessary to prevent damage by such use.
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Question 10

Do you agree or disagree that in certain circumstance animals and vehicles should be prevented from trafficking through a watercourse, for the purpose of preventing damage?

Comment	CCBC Response
Animals can cause a lot of damage to watercourse banks	Agreed - No response required
VALIDATED CROSSING POINTS FOR BOTH ANIMALS AND VEHICLES SHOULD STILL BE ALLOWED AND THAT THESE POINTS SHOULD BE MAINTAINED BY THE APPROPRIATE OWNER.	Noted - Culverted for access purposes may be considered by submitted an Ordinary Watercourse Consent.
Fully agree, silts can be mobilised and moved, causing pollution issues. This can provide pollution betterment.	Agreed - No response required
Where there is no alternative the water course should be run through an adequate pipe or be crossed by some kind of bridge	Noted - Any temporary alteration to a watercourse would require an Ordinary Watercourse Consent to be submitted for approval.
Difficult if the land has water running through it to stop animals crossing or taking water from the watercourse	Noted - However, protection is imperative to stop flood risk occurring downstream.
Should be on an individual basis	Disagree - Protection is imperative to stop flood risk occurring downstream. Any temporary alteration to a watercourse would require an Ordinary Watercourse Consent to be submitted for approval.
The byelaw needs to be re-worded to avoid application such that the Authority is placed in the position, perceived or actual, of interfering in the landowners' husbandry of the land including the watercourse owned by the landowner.	Disagree - Byelaws cover activities which are considered to have a flood risk impact and require management for flood risk/ environmental purposes. Activity with no/limited flood risk/ environmental impact is covered under riparian responsibilities.

Question 11

Do you agree or disagree that when the Council is undertaking its duties on land, that animals should be controlled/supervised and our access should not be interfered with?

Comment	CCBC Response
Proper access should be kept to allow the necessary maintenance to be undertaken	Agreed - No response required
IN AGREEANCE WITH THE LOCAL LAND OWNER	Agreed - No response required
I disagree with this on the principal that who	Agreed - This is commoners land and would

would be held responsible to control animals that are allowed to roam without interference, for example the wild horses on Manmoel Common?	fall under animal trespass officer.
Provide where possible a reasonable notice of such activities is given	Noted - No comment required
If the byelaw is approved that the Authority need to exercise respect to landowners and give notice of intent to inspect and arrange a mutually convenient time to carry out said inspection.	Agreed - However sometimes in emergency conditions this is not possible.

Question 12

Do you agree or disagree that the Council does all it can to manage flooding in the area?

Comment	CCBC Response
More should be done to educate the general public regarding their duty to protect their own property.	<p>Noted - CCBC is currently raising awareness and engaging with the public in collaboration with Natural Resources Wales (NRW), we have recently visited Machen, Risca, Ynysddu, and the Ystrad Mynach areas making them aware of the flood risk in their locality and establishing an understanding of the risks and taking responsibility for their actions during a flooding event.</p> <p>The public have been encouraged to set up local community groups focusing on flood risk issues. Individuals have been asked to construct their own personal flood plans, as well as linking up with other members of the community to develop Community Flood Plans.</p> <p>Through the joint reviewing process and in line with the objectives and measures identified in the Plan, CCBC is currently undertaking a joint initiative with the NRW raising awareness of flood risk in the Llanbradach area.</p> <p>Jointly (dual badged) letters were be sent out in July with a questionnaire to residents whose properties could be affected by flooding events from either a main river or surface water flooding. Further meetings were held in August and September 2017.</p> <p>Through working together with the NRW in delivering flood awareness to 'at risk'</p>

	<p>communities:</p> <ul style="list-style-type: none"> • We have ensured awareness of flooding from all sources is provided. • Clearly identified the roles and responsibilities of each organisation • Shared costs and officers time in facilitating the awareness campaign. • Shared experiences and knowledge. <p>Also by providing a joint approach, it encourages a sense of trust and participation within the targeted communities.</p>
<p>Due to cut-backs, gully and culvert maintenance has been curtailed and causes problems. Also, using contractors and the loss of localised workforce with local knowledge, causes a reduction in quality management of our systems and our ability to effectively respond to and alleviate local issues. Also, lack of investments or planned cyclical maintenance in SUDS etc has diminished the effectiveness of build-up area run-offs etc.</p>	<p>Disagree - Caerphilly County Borough is divided into three areas, each area covered by a gully-emptier machine and two crew members. The crews are issued with a schedule to ensure that each gully is cleansed once a year, though in areas prone to flooding or increased amounts of debris; they are cleaned twice a year. In times of inclement weather routing cleansing can be relegated as priority is given to instances of flooding or other urgent tasks (like winter gritting), in order to minimise inconvenience to road users.</p>
<p>There should be a schedule of clearing gullies on a regular basis and not on a "Once it is blocked we'll clear it" scenario</p>	<p>Disagree - Caerphilly County Borough is divided into three areas, each area covered by a gully-emptier machine and two crew members. The crews are issued with a schedule to ensure that each gully is cleansed once a year, though in areas prone to flooding or increased amounts of debris; they are cleaned twice a year. In times of inclement weather routing cleansing can be relegated as priority is given to instances of flooding or other urgent tasks (like winter gritting), in order to minimise inconvenience to road users.</p>
<p>Inadequate road maintenance and contours into road drainage</p>	<p>Disagree - Caerphilly County Borough is divided into three areas, each area covered by a gully-emptier machine and two crew members. The crews are issued with a schedule to ensure that each gully is cleansed once a year, though in areas prone to flooding or increased amounts of debris; they are cleaned twice a year. In times of inclement weather routing cleansing can be relegated as priority is given to instances of flooding or other urgent tasks (like winter gritting), in order to minimise inconvenience to road users. with reference road maintenance</p>
<p>Supervise colleagues at all times as certain tasks are being missed. Maybe a good idea</p>	<p>Noted - Caerphilly County Borough's divided into three areas and has supervisors which</p>

<p>that they upload before and after photos to their worksheets to monitor their work.</p>	<p>monitors productivity etc. Each area is covered by a gully-emptier machine and two crew members. The crews are issued with a schedule to ensure that each gully is cleansed once a year, though in areas prone to flooding or increased amounts of debris; they are cleaned twice a year. In times of inclement weather routing cleansing can be relegated as priority is given to instances of flooding or other urgent tasks (like winter gritting), in order to minimise inconvenience to road users.</p>
<p>Drains are never cleared out regularly, this can a lot of damage to the roads and housing</p>	<p>Noted - Caerphilly County Borough is divided into three areas and has supervisors which monitors productivity etc. Each area is covered by a gully-emptier machine and two crew members. The crews are issued with a schedule to ensure that each gully is cleansed once a year, though in areas prone to flooding or increased amounts of debris; they are cleaned twice a year. In times of inclement weather routing cleansing can be relegated as priority is given to instances of flooding or other urgent tasks (like winter gritting), in order to minimise inconvenience to road users.</p>

Question 13

Is there anything else you would like to raise in relation to this consultation?

Comment	CCBC Response
<p>GREATER POWERS TO RESTRICT BUILDINGS ON FLOOD PLANES. GREATER POWERS TO IMPOSE RESTRICTIONS / FORCE UPGRADES TO EXISTING SYSTEMS ON DEVELOPERS.</p>	<p>Agree - The implementation of these Byelaws will assist in and improve the management of flood risk.</p>
<p>The Council should promote green soft engineer techniques to provide environmental betterment.</p>	<p>Agree - The Council promotes the use of soft engineering techniques in schemes and considers the environmental impact of drainage works.</p>
<p>It would be interesting and added value, to look back and consider: - Complaints - Emergency call outs - Contractors feedback from jobs (if any) - Engineers works sign-off sheets (identified issues/remedies/conclusions/predicted future issues) - Current Asset Register</p>	<p>Noted</p>
<p>How will the act be applied to various departments of the Council?</p>	<p>The implementation of Byelaws would be applied across all Council Departments. Each department proposing a Byelaw</p>

	Activity will need to consult the Lead Local Flood Authority (Drainage Team).
<p>The responsibility of the Authority is respected however respect of the landowners responsibility and privacy should also be reciprocal, especially where the watercourse is also in the ownership of the landowner; it is different where the landownership stops at the boundary with the watercourse. Perhaps the wording of the byelaws needs to give consideration to the various applicable options rather than try and create a one-size-fits-all.</p>	<p>Disagree - Byelaws cover activities which are considered to have a flood risk impact and require management for flood risk/ environmental purposes. Activity with no/limited flood risk/ environmental impact will be covered under riparian responsibilities.</p>