

Response for Petitions Committee - Roath Brook Flood Scheme: Phase 3 Works

1. Introduction & Update

- 1.1. We, as members of the Roath Brook Trees campaign group, are campaigning against Phase 3 of the Roath Flood Scheme, which we believe involves unnecessarily destructive works to Roath Brook and Roath Mill Gardens including the removal of what the Minister refers to as 32 trees¹ and the widening of the brook which will have consequential effects on the local wildlife and eco-systems.
- 1.2. Works commenced on Monday 18th December and a small number of trees have been felled. The progress of works was significantly curtailed due to peaceful campaigning in the parks by local residents. Our concerns were set out in a letter to the chair of NRW, Diane McCrea (Appendix 1) on 2nd January. An interim response was received on 5th January (Appendix 2) promising a full response “as soon as possible”. Over 6 weeks has passed and no further response has been received.
- 1.3. Eventually NRW agreed to meet with representatives of the campaign in mid January (and on an ongoing basis since) and the Minister agreed to meet representatives in late January. Whilst recent meetings with NRW have been constructive NRW have only agreed a number of temporary pauses to tree felling with the latest such pause to allow us to submit a plan for considering their model and potential alternatives (at our own expense). Contrary to the impression given in the letter from NRW the first time they met with the campaign group was w/c 8th January. The Minister engaged at a later date (despite numerous requests to engage since early December). We believe that we only secured engagement from either party because the progress of the works was being frustrated.
- 1.4. The issues raised by this petition should not however be considered as local isolated issues. The petition contains over 8,700 signatures (mostly from those who make use of the parks but also from further afield). The felling of trees, and particularly those in urban areas, is an issue of increasing importance and public opposition globally and throughout the UK, most notably in Sheffield. At a Welsh level the petition raises a number of important issues which should be investigated and/or debated at Assembly level including:
 - The manner in which the limited resources available for flood protection are allocated by NRW²;
 - How the damage to the environment and our ecosystems is measured and accounted for as part of any cost/benefit analysis for works carried out by public bodies; and
 - The conduct of consultations relating to flood defence works including the clarity and content of information;
- 1.5. This is particularly so if the Welsh Government and public bodies in Wales are to pay more than “lip service” to important and progressive legislation like the Environment Wales Act (which has at its heart the protection and promotion of our ecosystems) and the Wellbeing of Future Generations Act (with the mental health benefits of urban trees and wildlife well documented).
- 1.6. The Committee are referred to Appendix 1 for more detail about the issues raised although pertinent issues are addressed further below.

2. Letter from Hannah Blythyn dated 2nd February 2018

- 2.1. The suggestion that the scheme should be considered as a “whole” with the works in Waterloo Gardens and Railway Gardens is something which both NRW and the Minister have relied upon throughout our discussions. The phases formed part of the planning permission application

¹ Although this figure keeps changing. Originally 38 trees were to be felled. An additional 3 trees were left off the list and are to be felled. NRW then re-considered the position to attempt to save additional trees, however, NRW tell us that Cardiff Council seek to fell 4 of them anyway.

² The chair of NRW specifically stated in December 2017 that NRW need clarity from Welsh Government on how reduced resources should be prioritised given changing ways of working under the Environment Wales Act and the Future Generations Act
<http://www.bbc.co.uk/news/av/uk-wales-42341278/natural-resources-wales-can-t-be-everywhere>

submitted by NRW before a contractor had presumably been appointed, and therefore cannot simply be an operational requirement of the contractor.

- 2.2. However the fundamental problem with treating Phase 3 works as part of the “whole” is that, other than physical proximity, there is no connection whatsoever between Phases 1 and 2 and Phase 3:
 - Phases 1 and 2 protect a finite number of properties from tidal flooding, fluvial flooding or a combination of both arising in Waterloo Gardens and Railway Gardens;
 - Phase 3 protects a completely different set of properties from fluvial flooding which may occur in Roath Brook Gardens³.
- 2.3. The only operational convenience is that of NRW in “bundling” the works together with Phases 1 and 2. If treated separately there would be no justification for using a significant amount of the limited funds available to provide flood protection (at least £500,000) on Phase 3 (see 4.1 to 4.6 below).
- 2.4. It is noteworthy that the Minister, after saying that the scheme needs to be treated as a whole, goes on to quote the tree statistics for Phase 3 (in fact if treated as a whole more trees are being felled in the gardens than are being replanted). Whilst it is correct that in Phase 3 numerically more trees are being planted this does not give any accurate indication of the actual “value” of trees to the local environment. It is the tree canopy coverage which governs their ability to improve air quality, provide shade and weather protection (including against flooding), support wildlife and improve the appearance of the area. Many of the trees being felled are mature trees (some around 100 years old) and provide a canopy coverage many times greater that of the young trees replacing them.

3. **Letter from Diane McCrea dated 24th January 2018**

Necessity for the Works

- 3.1. The letter does not address the first, and most fundamental, question which is whether works are necessary at all and/or why they are being prioritised over flood defence works desperately needed in other higher priority areas in Wales. There are a significant number of properties in Wales which suffer either from a greater risk of flooding, historical flooding issues or in most cases, both. Funds should be spent on these higher risk areas (where associated environmental harm is also likely to be negligible or significantly less destructive).
- 3.2. NRW, and the Minister, have consistently relied on the fact that the “Community” of Roath is 17th on the Communities at Risk Register⁴. However, this rating is almost entirely a result of the separate, and far greater, flood risk addressed by the work in Phases 1 and 2. Since early December 2018 NRW have been asked to provide details of those homes and communities at higher risk within Wales, why works in those areas have not been prioritised and where the “community” would sit on the register once Phase 1 and Phase 2 works are complete. NRW have refused to provide the information on the basis that they do not hold the same⁵.
- 3.3. It has emerged over the last two months, as a result of requests made of NRW, that the Phase 3 works are designed to protect a discrete flood risk to 60 properties (located on Alma Road, Cressey Road, Sandringham Road and Blenheim Road):
 - 3.3.1. 20 properties with a flood risk of between 1 in 30 and 1 in 50 in any given year; and
 - 3.3.2. 40 properties with a flood risk of between 1 in 50 and 1 in 75 in any given year.Such a flood risk is categorised by NRW as “medium risk” (any flood risk between 1 in 30 and 1 in 100). After the works are completed the flood risk to these properties will be greater than 1 in 75 in any given year (still classed as “medium risk”).

³ NRW, in their response, admit they are not aware of historical flooding

⁴ See NRW response at Appendix 2

⁵ Appendix 4 – Summary of FOI Requests and Responses - items 1, 7 and 8

- 3.4. Following a further request, a copy of the Communities at Risk Register was provided on Friday 16th February. It is difficult to fully interpret the data (as the underlying software is needed). However, it is clear that once Phase 1 and 2 works are complete the risk of tidal flooding will be almost entirely removed and the risk posed by fluvial flooding (in the area of the Phases 1 and 2 works) similarly mitigated. The likely position of the community after such works is between 100th and 150th. Appendix 5 is a copy of the 150 communities most "at risk". It is likely that there are no plans currently for flood protection works in many of these communities, particularly beyond the top quarter of the table.
- 3.5. NRW's response when questioned on this is that it would not be correct to leave some homes in the community at a greater risk of flooding than others (those protected by Phase 1 and 2 works). This approach must be fatally flawed as it would certainly not be correct to protect these homes at the expense of homes in other areas of Wales at a far greater risk.
- 3.6. We believe that NRW should be required to recalculate the Communities at Risk Register in light of the work to be completed on Phases 1 and 2 and explain, in light of that, why the Phase 3 works should be prioritised over other areas at greater risk within Wales.

Objective Assessment of effect on Local Environment and Ecosystems

- 3.7. We understand that prior to commencing any flood defence project it is normal for a flood risk benefit map to be created to understand both the positive and negative impacts (presumably including the impact on the environment) of carrying out works. We have asked for a copy of such a map for Phase 3 works and have been told that no such map exists.⁶
- 3.8. We have also requested details of whether environmental issues, and the fact that an area is a conservation area, are taken into account at the stage works are contemplated or only at the stage of assessing which works are done, together with a copy of any guidance as to how these matters should be taken into account. Other than a generic answer that such factors are taken into account we have not been provided any further.⁷
- 3.9. It therefore appears that there is little or no objective assessment of the environmental impact, and associated cost, of tree felling (even within NRW the body charged with protecting our natural resources) despite the fact that NRW themselves are studying such benefits and acknowledge:
*"Urban trees are a valuable source of ecosystem services in towns and cities, providing cost-effective solutions to many of the environmental issues facing urban society. Quantifying the services that trees provide in improving local air quality, capturing and storing carbon and reducing flooding reveals the significant monetary benefits that trees deliver year on year."*⁸
- 3.10. There is also a cost to wildlife, many of which include species protected to the highest standard by law. To take kingfishers as an example (which have the highest level of protection). Kingfishers are very rare and our area is one of the only urban areas in Cardiff they are seen. Both the male and female have recently been sighted which indicates they are getting ready to breed. Kingfishers on average live for 2 years and breed after year 1. The works are likely to disturb their habitat. Whilst this is not itself a crime⁹, it will prevent the kingfishers from building their nests to breed. The likely consequence of these works, at best is that they will move out of the area, and at worst, because they cannot breed, they could die out depending on their age. They are unlikely to return to the area as the new sloping of the banks will not support their nests.
- 3.11. We believe that a system should be implemented within public bodies, and particularly NRW, to ensure that the destructive impact of such works to the environment is objectively valued.

⁶ Appendix 4 item 1

⁷ Appendix 4 item 2

⁸ <https://naturalresources.wales/guidance-and-advice/environmental-topics/your-neighbourhood/green-spaces/urban-trees/?lang=en>

⁹ Damage or destruction to their nests, eggs, young or the kingfishers themselves is a criminal offence punishable by fines and/or imprisonment.

Less Environmentally Destructive Options

3.12. Bearing in mind the apparent failure to consider the above, and the failure of the consultation (see below) we do not believe that NRW has actually carried out an accurate appraisal of alternative options (or a combination of them) as a specific alternative to phase 3¹⁰ including:

- temporary storage of flood water upstream including at Roath Park Lake;
- individual property protection;
- temporary barriers on the South Side of Roath Brook and/or Sandringham Road;
- raising the footpath within the parks; and
- weighted valves under bridges to allow controlled back up;

3.13. NRW state that no other options have been identified by the Community. However, it is the community's view that there was a complete failure to consult both on the risks and the alternative options and had that taken place they, in conjunction with NRW experts, could have identified more suitable alternatives. We are continuing discussions with NRW over the options available although this is likely to involve significant expense on behalf of the campaign group.

Failure of Consultation

3.14. NRW state that they have carried out "extensive public consultation". It is a fundamental principle of consultation that "*People involved in the consultation need to have enough information to make an intelligent choice and input into the process*"¹¹. However, it is clear that the consultation, however extensive in terms of size, has failed due to the failure to provide the most basic information (examples of which are set out below).

3.15. It is agreed by NRW that the consultation failed to include the following¹²:

- any details whatsoever of the flood risk the Phase 3 works are designed to protect against (including the size of the flood risk and the number of properties affected);
- the fact that there is no evidence of Roath Brook ever flooding in the area of the Phase 3 works;

3.16. Further in relation to the scheme as a whole, which given the above is the only information people were provided with, NRW (despite their suggestions to the contrary):

- provided little or no information about the actual flood risk (Appendix 4 item 4 & Appendix 6);
- during a 6 month period from at the latest September 2017¹³ exaggerated the actual flood risk by 1300% (stating a 1 in 5 risk of flooding to 400 homes rather than 1 in 75) as part of a concerted press campaign.

As a result, even now, many local residents have no idea of the actual flood risk which NRW are protecting against in any of the phases. This is unsurprising given that those employed or engaged by NRW, including the project manager, failed to understand the actual flood risk for at least a 6 month period.

3.17. Should works be found to be necessary in relation to Phase 3 we believe there should be a proper consultation on the need for the works and the alternative options available.

Roath Brook Trees Campaign Group

19th February 2018

¹⁰ Appendix 4, Item 3

¹¹ Gunning Principles

¹² Appendix 4, Item 4 and the example quoted (which is equally applicable whether or not the works in phase 3 are carried out) and Item 6

¹³ The statement in the NRW letter is incorrect as their land agents were writing to residents quoting the incorrect flood risk of 1 in 5 in September 2017