



OVERVIEW AND SCRUTINY BOARD

6TH MARCH 2007

FINAL REPORT OF THE ENVIRONMENT SCRUTINY PANEL: BECKS AND BECK VALLEYS

PURPOSE OF THE REPORT

1. To present the Environment Scrutiny Panel's findings following its review of Middlesbrough's becks and beck valleys.

AIMS OF THE SCRUTINY INVESTIGATION

2. The principal aims of the scrutiny exercise were to investigate the responsibilities of the Council and other agencies in the management of Middlesbrough's becks; issues surrounding drainage and flood prevention; and the use of beck valleys as a leisure and wildlife resource.

TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

3. The terms of reference for the scrutiny investigation were as follows:
 - To investigate current management arrangements and responsibilities for Middlesbrough's becks and beck valleys.
 - To examine drainage issues and responsibilities and the role of Middlesbrough's becks in preventing flooding.
 - To consider any existing policies/strategies in this area.
 - To examine existing budget arrangements and consider whether there are any future funding opportunities.
 - To examine the role of becks and beck valleys as a leisure and wildlife resource.
 - To speak to relevant external bodies and organisations on this topic and examine any current and future joint working arrangements.

METHODS OF INVESTIGATION

4. The Scrutiny Panel investigated this topic over the course of four meetings between 29th September and 15th December 2006. A Scrutiny Support Officer from Performance and Policy co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the review. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
5. A detailed record of the topics discussed at Panel meetings, including agenda, minutes and reports, is available from the Council's Committee Management System (COMMIS), which can be accessed via the Council's website at www.middlesbrough.gov.uk.
6. A summary of the methods of investigation is outlined below:
 - (a) Reports from Council officers, together with officer presentations, supplemented by oral evidence.
 - (b) The submission of evidence from external bodies and agencies.
7. The report has been compiled on the basis of evidence gathered at scrutiny panel meetings using the methods above. Background information has been obtained from the documents listed at the end of the report.

MEMBERSHIP OF THE PANEL

8. The membership of the Scrutiny Panel was as follows:

Councillor J Cole (Chair);
Councillor G Rogers (Vice-Chair); and Councillors G Clark, M Heath, JA Jones, H Lancaster, J Mc Partland and J McTigue.

THE PANEL'S FINDINGS

9. The scrutiny panel's findings in respect of each of the terms of reference investigated are set out below.

TERM OF REFERENCE: *"To investigate current management arrangements and responsibilities for Middlesbrough's becks and beck valleys"* ;

"To examine drainage issues and responsibilities and the role of the becks in preventing flooding" ; and

"To consider any existing policies/strategies in this area."

10. Due to areas of overlap in the above terms of reference, the scrutiny panel's findings in these areas are dealt with together, in the following paragraphs.

Management Arrangements

11. Middlesbrough sits in the Tees Valley and has five main water courses within its boundaries which make their way to the River Tees. These are:
 - Newham and Marton West Beck
 - Ormesby Beck
 - Middle Beck
 - Blue Bell Beck
 - Spencer Beck
12. In addition there are several more streams and tributaries which feed into the main water courses.
13. As land drainage authority, Middlesbrough Council is responsible for enforcement issues relating to the Land Drainage Act 1991. The Council's overall responsibility in terms of becks is to ensure that Middlesbrough's becks flow freely and that flood risk is minimised. The Transport & Design Services area of Environment is responsible for flood risk management, planning and enforcement while Streetscene Services is responsible for routine becks maintenance, cleansing of culverts and grilles and emergency flood management.
14. Following extensive national problems due to widespread flooding occurrences in the early 2000s, the former office of the Deputy Prime Minister (ODPM) decided to place the control of certain identified "critical ordinary watercourses" (COWs) in the hands of the Environment Agency. The Environment Agency is responsible for determining which watercourses are included in this category and has confirmed that the three becks of Newham and Marton West Beck, Ormesby Beck and Middle Beck have been identified as COWs. Ultimately, these becks will all be managed and controlled by the Environment Agency. This will leave Blue Bell Beck, Spencer Beck plus several tributaries under the Council's management.
15. The Environment Agency assumed responsibility for Middle Beck during 2006 and is, therefore, now responsible for its maintenance. However, under a local agreement, routine works to this beck are still carried out by the Council. This arrangement is subject to future review by the Environment Agency. It is anticipated that the same arrangement will apply following transfer of the remaining becks in Middlesbrough. In addition, the cleaning/clearing of highway culvert grilles (eg. Homerton Road and Premier Road) - which is an important aspect of flood prevention - is to remain with the Council following the transfer of responsibilities to the Environment Agency.
16. Following transfer of responsibilities, a local authority the Council is required to apply to the Environment Agency for permission to carry out works within five metres of any watercourse under the agency's control. Stringent conditions can be attached to any permission that is granted, for example to protect the habitats of wildlife.
17. To assist in the process the Council has supplied details of its existing becks maintenance programme to the Environment Agency for assessment prior to the agency taking responsibility for the remaining becks.

18. The service arrangement with the Environment Agency is purely for maintenance, to the existing service standards. Issues of emergency response will need to be dealt with by the Environment Agency from Darlington. As there has not yet been an emergency situation involving Middle Beck (ie the one beck which the EA is currently responsible for) it is not known how quickly the agency will be able to respond.
19. The panel was informed that the Council had sought funding from the Environment Agency - which now administers the grant regime that was formerly operated by the Department for Rural Affairs (DEFRA) - for flood relief schemes in Middlesbrough. The Environment Agency therefore delayed enmainment (ie the procedure by which the Environment Agency assumes powers to maintain a watercourse) proposals for two of the three becks (ie all except Middle Beck). This was to allow time for the proposed flood relief measures to be put in place by the Council and was subject to the funding being forthcoming.
20. The scrutiny panel heard directly from representatives of the Environment Agency in respect of the anticipated future management arrangements of Middlesbrough's becks. The position was confirmed with the agency in respect of a number of issues, as follows:
- Responsibility for Middle Beck was transferred to the agency on 1st April 2006.
 - The transfer of the other three becks to the agency has been delayed until the position is clarified regarding the implementation of a Council scheme to reduce flood risk on Marton West Beck. The transfer had originally been scheduled for April 2007, subject to capital funding for the flood prevention works being made available in 2007/08 from the Environment Agency. Although funding priorities were still to be confirmed (ie as at October 2006 when the Environment Agency representatives spoke to the scrutiny panel), it was understood at that time that severe pressure on finances within the agency would mean that a stricter funding regime would be introduced for 2007/08.
 - Following the point above, there was a strong possibility (at October 2006) that the Middlesbrough flood prevention measures would not be considered as a priority at national level, when compared with other northern areas such as Carlisle which were badly flooded in the recent past. In the event that the funding bid was unsuccessful, this would be likely to affect the timescale for transferring responsibility for the remaining Middlesbrough Becks to the Environment Agency. (*See note at para. 23 re. updated funding position*).
 - Regionally, between thirty and forty people are employed by the Environment Agency. There is an office in Thornaby and a depot at Darlington.
 - The agency's principal role has changed from flood management to flood prevention and risk assessment.
 - The Environment Agency recognises the Council's expertise in becks management and has signed a memorandum of agreement for the Council to continue to maintain Middle Beck. This will be extended to cover any becks transferred in the future. Long term management arrangements will be subject to future review.

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- The importance of joint working with the Council is recognised and a good working relationship is in existence. Regular liaison meetings are held between both organisations.

21. Council officers informed the scrutiny panel that the Environment Agency had produced a model contract covering becks maintenance arrangements. This had not been signed by the Council but had been referred back to the Environment Agency for further work in the light of comments made by officers. In the meantime, maintenance arrangements would continue to be covered by the existing memorandum of agreement.

22. The role and involvement of Northumbrian Water (NW) was questioned during the scrutiny exercise. The panel heard that that agency is responsible for domestic water supply, piped drainage systems and foul water sewers so generally has no direct involvement in becks issues. There have been some issues concerning NW's systems flooding into Middlesbrough's becks. As a result, quarterly liaison meetings are held between the Council and Northumbrian Water to discuss any issues of concern or joint interest. It was confirmed that both organisations generally work well together and that some successful and mutually beneficial joint working has been undertaken, such as the introduction of a piping scheme from NW systems into the becks.

23. Late in the course of its investigations (January 2007), and following preparation of this final report in draft form, the scrutiny panel was informed that the funding bids submitted to the Environment Agency for Middlesbrough's flood prevention schemes have been unsuccessful. The implications of this situation were not examined by the panel but will need to be considered by the authority.

Maintenance Arrangements

24. Streetscene currently maintains approximately 28 km of open becks and watercourses in Middlesbrough. This figure includes Middle Beck, which - as has been indicated earlier - is now the responsibility of the Environment Agency, with maintenance works being carried out on its behalf by the Council.

25. Current Council staffing resources for becks maintenance are a service manager and two full time beck workers utilising one pick up vehicle. The service is also able to call upon a JCB and tipper wagons plus other associated heavy plant as and when required.

26. As has been indicated, the primary purpose of maintenance work is to maintain the hydraulic flow of the watercourse and to prevent flooding. There are three applicable service standards, as follows:

- All becks are cleaned three times each year in accordance with an established programme, details of which were made available to the scrutiny panel. Work consists of removing debris from channels, grids and land within two metres of the watercourse. Special works are carried out from time to time including the removal of silt, embankment work and re-defining of channels. Grilles guarding culverts are physically inspected twice each week and also in the event of the Met Office issuing a severe weather warning.
- There is a two day response following any reports of major dumping.

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- Emergency situations, including blocked and flooded becks, are attended within two hours. Streetscene operates a call out system 24 hours a day seven days a week to deal with potential flooding issues. A formal call out squad, consisting of four staff, includes a JCB an HGV driver and associated equipment.

27. In considering the terms of reference of the scrutiny review it was ascertained that the existing maintenance regime is the only existing strategy or policy in terms of Middlesbrough's becks.

TERM OF REFERENCE: *"To examine existing budget arrangements and consider whether there are any future funding opportunities."*

28. In examining the above term of reference the scrutiny panel considered information in respect of :

- The annual becks maintenance budget.
- A capital funding bid that has been submitted for flood prevention schemes.

29. The annual budget for becks maintenance is currently £128,000. This is principally spent on maintaining the service standards outlined earlier, although this sum also includes some spending on environmental enhancement works in the immediate vicinity of the becks. Approximately £30,000 of the annual sum is spent each year on de-silting open culverts, which is an important aspect of flood prevention. The budget is not generally used for any other de-silting, such as at Gunnergate and Hemlington Lakes, although this can severely impact on becks drainage as silt levels build up.

30. Following discussions with the Environment Agency, it has been agreed that part of the annual budget (a sum of £20,000 per beck) will be transferred to the agency for it to maintain the three becks which will become its responsibility. The Council will retain responsibility, and the associated budget, for the remaining two becks and also the maintenance of all highway culverts.

31. The issues relating to the capital funding bid for flood prevention schemes are covered earlier in this report (paragraph 19). In relation to this matter, Council officers confirmed that although the Council has invested very heavily in design of the flood prevention schemes, this would have had no influence on the outcome of the unsuccessful funding bid.

32. In terms of possible future funding opportunities, the Environment Agency has confirmed that it is involved in drawing up schemes for beck valley improvements. Other agencies, such as Tees Valley Wildlife Trust and Groundwork South Tees, have also been involved in beck valley schemes. While such schemes do not result in increased funding being made available to the Council, their effect can be to reduce pressure on Council budgets while also benefitting the local environment. This aspect of the scrutiny review is covered in greater detail in examining the following term of reference.

**TERM OF REFERENCE: “To examine the role of becks and beck valleys as a leisure and wildlife resource”; and
“To speak to relevant external bodies and organisations on this topic and examine any current and future joint working arrangements.”**

33. The above terms of reference were found to contain areas of overlap and are therefore addressed together in the following paragraphs.

34. Middlesbrough’s becks are an important local resource for recreation and education. Most are easily accessible, with pedestrian and cycle routes running through them, and have an area of green space adjacent to them. The becks and beck valleys are also an important habitat, with a diverse range of wildlife living in and beside the becks.

35. In considering this term of reference the scrutiny panel heard from representatives of the following organisations who are all involved in the above leisure and wildlife aspects of beck management:

- Tees Valley Wildlife Trust
- Groundwork South Tees
- The Environment Agency
- The Transforming Our Local Environment Group of the Local Strategic Partnership (LSP)
- Middlesbrough Council’s landscape architects

36. As a result of the forthcoming transfer of responsibilities for some becks management, the **Environment Agency** is currently engaged in devising a programme of environmental improvement works for Middlesbrough becks. The Agency has initially begun to examine the becks in detail and has engaged a firm of consultants to undertake a scoping exercise to develop potential schemes. These could include schemes to benefit wildlife, improve access and provide new recreational and educational opportunities.

37. The Environment Agency is keen to hear the views of all interested parties and has begun consultation with local groups, such as community councils and residents organisations. It is hoped that as many local people as possible will contribute their views, which will then be incorporated into the consultants’ study. It is anticipated that potential improvement schemes will be identified by spring 2007, following which the Environment Agency will be exploring potential options for partnership working in order to deliver the schemes.

38. A steering group has been established for the improvements projects. This comprises a range of officers from Middlesbrough Council, Tees Valley Wildlife Trust, Groundwork South Tees, Northumbrian Water and the Environment Agency. In late 2006 the agency’s consultants submitted their initial views on key beck sites where potential enhancement opportunities exist. It is anticipated that, once these sites have been confirmed, this information will be shared with all interested parties including local communities.

39. In terms of funding, the Environment Agency confirmed that some enhancement works might possibly be delivered through flood management work. Although some funding has also been allocated from the Northumbria Region Flood Defence Committee local levy, it is anticipated that additional sources of external funding will need to be sought to ensure that the improvement programme delivers maximum benefits.

40. With regard to the issue of flooding, it was confirmed that the Environment Agency will ensure that any environmental improvements do not adversely affect the risk of flooding in any area.
41. **Tees Valley Wildlife Trust** (TVWT) is a voluntary organisation which is registered as a charity. The organisation is funded by membership fees and external funding such as the National lottery, Neighbourhood Renewal Fund and funding bids for specific projects. TVWT is currently running a “Three Becks Project” in Middlesbrough. This is principally an education and conservation project in respect of three east Middlesbrough becks.
42. The Three Becks Project, which offers a range of educational activities for schools and adult groups, includes talks and guided walks. The project also involves close working with Middlesbrough Environment City, Groundwork South Tees and the Council’s landscape architects and beck maintenance teams.
43. A major aspect of the project relates to preserving and enhancing the habitat of the water vole, whose numbers are declining faster than any other British mammal. It is hoped that the TVWT project will ultimately result in the water voles’ range being extended to other parts of the Tees Valley. The Council’s landscape team was originally involved in running a project aimed at protecting the water vole but this has now been taken on by the TVWT.
44. In conjunction with the Environment Agency and the Council, the Trust hopes to produce a “best practice” guide in respect of the water vole. This will be for use by organisations such as the Council when undertaking maintenance works and also by local communities.
45. Other aspects of the Three Becks Project, and of the TVWT’s work, include:
- helping to keep the becks free of litter and debris.
 - ensuring that footpaths are kept accessible in order to ensure that visitors can enjoy the green space.
 - tree planting schemes involving local schools.
 - an after school club at Park End Primary School (“PEEPS” - Park End Environment Protection Squad).
 - producing publicity and educational materials aimed at local communities - for example explaining that grass is left long in some areas to preserve important wildlife habitats.
 - working with the Environment Agency in respect of the agency’s proposed beck valleys improvements.
 - providing advice to the Council in respect of becks maintenance and how this can best be undertaken in terms of animal habitats etc.
46. **South Tees Groundwork** (STG) is a local trust that is part of a national organisation. The trust, which is funded by local authorities and central government, is a partnership of the public, private and voluntary sectors with its own board of trustees.

47. STG is involved in working with partners to improve the quality of the local environment, the lives of local people and the success of local businesses in areas in need of investment and support. The organisation administers a £300,000 public spaces fund annually, with funding for local projects being awarded by a panel comprising local residents. Schemes are drawn up by Groundwork, which then commissions contractors such as the Council to undertake the necessary works.
48. A number of becks-related projects involving community groups and residents have been undertaken to date. These have included vegetation thinning works at Pallister Park and Priestfields Beck Valleys.
49. Such schemes can raise a conflict between aesthetic appearance of the beck valleys and maintaining wildlife habitats, in that residents may wish to see all of the grass surrounding becks cut short. It is acknowledged that there is a need to strike a balance in such situations and Groundwork works closely with Tees Valley Wildlife Trust to ensure that this is achieved. It is anticipated that the good practice guide to be commissioned by TVWT will also assist in alleviating potential difficulties.
- 50. The Chair of the Local Strategic Partnership's (LSP) "Transforming Our Local Environment Group"** confirmed that that group has identified green spaces (which covers beck valleys) as an important priority. The group has tried to include all agencies and bodies with an environmental interest in its work, which is aimed at improving the environment via the LSP's Local Area Agreement. Agencies involved to date include the Council, the Environment Agency, Middlesbrough Environment City plus representatives the Tees Forest, the University of Teesside and regeneration agencies.

Additional Information

51. The following section deals with additional information which arose as part of the panel's investigations but which was not covered directly by the terms of reference of the scrutiny review . This relates to:
52. **Area care arrangements:** the Council is to introduce revised working arrangements (on a geographical area basis) within the Environment service area in 2007. This may impact on servicing arrangements for becks and beck valleys.
53. **General drainage issues:** the scrutiny panel heard information on drainage issues which impact on the volume of water which feeds into Middlesbrough's becks and, as a consequence, the flood risk. This related to:
- The urgent requirement for de-silting Gunnergate Lake: Despite the fact that this issue affects the flow of becks, and therefore flood risk, it is unlikely that the Environment Agency will undertake any de-silting work following the transfer of control and responsibility for some becks to them. This will therefore probably remain a budget pressure for the Council despite the reduction in budgets which will occur following the transfer.
 - The importance of also ensuring that Hemlington Lake is not allowed to silt up as, in times of heavy rain, it acts as a "stilling pond" which stores water and allows lower areas to drain.
- (Cont....)

- The increasing prevalence of hard surfaced gardens in Middlesbrough. This leads to increased surface run off and greater pressure on the drainage system, again increasing the flood risk. The Environment Agency produces guidance on urban drainage and the Council can assist in addressing this issue via the planning process.
- The further use of the planning process to ensure that large hard-surfaced areas (such as car parks) have adequate drainage facilities and that new housing developments have large capacity drains, or systems that are designed to drain slowly to reduce pressure on the main drainage system.
- The fact that, following the Environment Agency assuming responsibility for three of Middlesbrough's becks, potential drainage schemes that could have been implemented by the Council (such as creating a flood water storage facility in the Clairville area) will become the responsibility of the Environment Agency.
- Water quality after flooding: following earlier flooding in Middlesbrough some concern was expressed regarding water quality, particularly where residents' houses were affected. It was confirmed that the Environment Agency did not ordinarily measure the water quality of becks (whether flooded or otherwise) but would do so in the case of a problem being identified, such as a pollution incident.

CONCLUSIONS

54. Based on the evidence presented to it in its investigations, the scrutiny panel concluded that:

1. While Middlesbrough's becks are an important leisure and wildlife resource, their key role is drainage and flood prevention.
2. Leisure and wildlife issues can impinge on drainage issues - although good management and liaison arrangements ensure that this is seldom the case.
3. Existing Council drainage and flood prevention service standards in relation to Middlesbrough becks are excellent.
4. The Council's direct role in becks management is to change following the Government's decision to transfer responsibility for those becks defined as "critical ordinary watercourses" to the Environment Agency - the Council will lose overall control of this important service area.
5. It will be important to ensure that following the transfer of responsibilities at 4. above, existing service standards of drainage and flood prevention are at least maintained.
6. The Environment Agency's maintenance responsibilities will extend only to critical ordinary watercourses under their control - and not to works such as the de-silting of Gunnergate Lake, which impacts on overall becks drainage and has been identified as an urgent issue with budgetary consequences.

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7. The Council will continue to be responsible for the main area of flood risk associated with Middlesbrough's becks - namely highway culverts.
8. Despite the Council's expertise and high standard of service provision, there is a possibility, in the longer term, of the Environment Agency using a contractor other than the local authority to undertake some becks maintenance.
9. The transfer of responsibilities to the Environment Agency presents an opportunity to enhance some aspects of beck valleys service provision (eg public access and wildlife schemes) through improvement projects funded by the agency.
10. Existing becks management arrangements allow a co-ordinated approach that involves all interested parties. It is essential that this is maintained following the transfer of responsibilities.
11. The implications of the Environment Agency's decision to not fund Middlesbrough's flood prevention schemes will need to be carefully considered by the Council.
12. The prevalence of using hard surfacing materials on developments in Middlesbrough impacts adversely on drainage and flood risk and is of concern.

RECOMMENDATIONS

55. Following the conclusions reached above, the Environment Scrutiny Panel recommends to the Executive:
 1. That the Environment Agency be advised of the scrutiny panel's findings that the existing standard of becks service provision is excellent and should be maintained at that standard as an absolute minimum for all becks, irrespective of which organisation is responsible for them.
 2. That every effort be made to ensure that the Council continues to provide the maintenance and emergency response service for all Middlesbrough becks.
 3. That, representations be made to the appropriate Government department that in the event that if, at any time in the future, the Environment Agency employs a contractor to maintain Middlesbrough's Becks, the contract should be awarded on a service standard - and not cost - basis.
 4. That, following 4. above, and subject to compliance with Government procurement rules, representations be also made that local authorities such as Middlesbrough which have shown that they can provide a high standard of becks maintenance service, be allowed to undertake emergency works in the case of contractor default. Such works should be done on the basis of recharge to the contractor.
 5. That the issue of de-silting Gunnergate Lake, and the associated expenditure, be explored in consultation with the Environment Agency as this issue impacts on overall becks drainage.

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6. That the Environment Agency's commitment to enhancing environmental aspects of becks and beck valleys be welcomed and liaison arrangements be continued to ensure that the Council and local communities are actively involved in the process.
7. That arrangements are put in place to strengthen links between all bodies and parties with an interest in Middlesbrough's becks and to ensure that a co-ordinated approach is developed in relation to all becks issues.
8. That representations be made at a national level concerning the reduction in the funding of flood prevention schemes across the country and the possible implications for areas of flood risk, including Middlesbrough.
9. That the implications of Middlesbrough's failed funding bid for flood relief schemes be considered and reported to the Executive.
10. That the increased flood risk caused by the prevalence of using hard surfacing materials be publicised to increase public awareness of this issue.

ACKNOWLEDGEMENTS

56. The Panel is grateful to all those who have presented evidence during the course of this investigation and who have assisted in its work . We would like to place on record our thanks for the willingness and co-operation of the following:

- Councillor R Kerr - Executive Member for Environment
- M Wood - Head of Streetscene
- C Brown - Highways/Becks/Lighting Service Manager, Streetscene Services
- R Dawson - Group Engineer, Transport and Design Services
- S Garside - Lingfield Countryside Centre Manager, Streetscene Services
- L Small - Senior Landscape Architect, Streetscene Services
- L Wellburn - Grounds Maintenance Manager, Streetscene Services
- K Crooks and J Garside - Tees Valley Wildlife Trust
- M McNulty and S Wragg - Environment Agency
- C Watson - Groundwork South Tees and Chair of LSP Transforming Our Local Environment Group

BACKGROUND PAPERS

57. The following background papers were consulted or referred to in preparing this report:

- (a) Minutes of Environment Scrutiny Panel Meetings: 29th September, 30th October, 1st and 15th December 2006.
- (b) Information supplied by the Head of Streetscene:
 - Appendix 1, Agenda Item 4 - Environment Scrutiny Panel, 29th September 2006.
 - Appendix 2, Agenda Item 4 - Environment Scrutiny Panel, 29th September 2006.
 - Becks Maintenance Schedule - Submitted to Environment Scrutiny Panel, 29th September 2006.
- (c) Document supplied by the Tees Valley Wildlife Trust - "Three Becks Project".

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(d) Document supplied by The Environment Agency - "Middlesbrough Becks".

**COUNCILLOR JOHN COLE
CHAIR OF THE ENVIRONMENT SCRUTINY PANEL**

2nd February 2007

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