

Board Paper

Paper Title:	Roath Flood Scheme: Proposal for Way Forward
Paper Reference:	NRW B 19.08
Paper Sponsored By:	Gareth O'Shea
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Purpose of Paper:	To provide the Board of NRW with a recommendation for endorsement as to how to proceed with the Roath Flood Scheme (Scheme). This matter is being escalated to Board level due to the potential reputational consequences of any decision.
Recommendation:	<p>It is recommended that NRW reconsiders the delivery options for Phase 3 of the Roath Scheme as a stand-alone scheme with potentially a new business case that will need to gain internal approval and in turn approval from WG.</p> <p>It is proposed that we consider our currently proposed option, revisit some of those options discounted during the options appraisal stage, plus any new options provided by the Binnie Report.</p> <p>As part of our reconsideration and any business case development, we are considering using an independent facilitator to review options by working with the campaign group, the community and other interested parties. Both DCWW and the Cardiff Council have been identified as being interested parties.</p> <p>A communication line will be developed for internal and external use.</p>

Issue

1. The construction of the Scheme has been controversial. Whilst Phases 1 and 2 of the Scheme have been completed, Phase 3 is yet to commence its operations to any significant extent and works on Phase 3 have been on pause for over twelve months. This pause is due to opposition to the Phase 3 works by a local campaign group who have previously prevented NRW from safely carrying out our work due to the presence of protestors in the

Phase 3 works area. NRW does not own the Phase 3 land and currently has not been able to secure safe access without legal intervention.

Background and update on the current position

3. During this pause, there has been ongoing dialogue between the campaign group and NRW. As part of this ongoing dialogue the campaign group has commissioned work from consultants, with the latest report from Professor Chris Binnie received on 20 November 2018 (**Binnie Report**). The Binnie Report outlines other options that he – on behalf of the campaign group – consider would benefit from further examination. Whilst an extensive options appraisal process was undertaken before the works obtained Welsh Government and local planning approval, the Binnie Report recommends that further examination of specific alternatives for Phase 3 be considered.

4. Both NRW and the campaign group have provided evidence to the NAW Petitions Committee (the campaign group on 13 November 2018 and NRW on 27 November 2018). This Committee in turn will report to Welsh Government, which may result in a recommendation to NRW from Welsh Government. We are awaiting recommendations from the Petitions Committee.

5. Depending on the outcome of any discussions with the campaign group and interested parties, the status of the existing planning consent would need to be considered. In particular, the existing planning consent may need to be varied should we no longer proceed in line with the approved permission or a new planning application made to the Council.

6. The Welsh Government provides the capital funding for our flood schemes. In an email from the Head of Flood and Coastal Erosion Risk Management at Welsh Government dated 13 December 2018, we have been asked to provide them with an update and options for taking our work forward by the end of January 2019, acknowledging the need to discuss the assumptions and findings of the Binnie Report. The email also confirms the view of Welsh Government officials that Phase 1 and 2 are substantially complete and that, any further work for Phase 3 must be submitted as a stand-alone scheme to be scored and prioritised accordingly in the programme for future years. This means, in effect, that a separate business case may need to be developed whether in line with our current option (which has the relevant permissions) or any alternative option (which would require relevant permissions).

7. Notwithstanding the above, NRW's evidence, modelling and assessment still considers that there is a need to reduce the risk of flooding to people and property within the area covered by the proposed Phase 3 works, which should be addressed. Further, as with other flood schemes this should be done in a way that also delivers multiple benefits for the community from the parks and gardens. We have engaged with those directly affected by the predicted flooding, with 57 of the 70 properties now having responded. Whilst there are many in support, there is not overwhelming support.

Assessment and Rationale for recommendation

8. In reaching the recommendation, we have considered and applied the nine principles of sustainable management of natural resources.

SMNR Principles	Rationale
<i>Manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action;</i>	The Binnie Report has suggested potential different delivery options for Phase 3 of the Scheme. The NAW Petitions Committee consider that these need to be reviewed against the proposed Phase 3 works to determine if NRW's proposed approach is still the best way forward or if the Scheme should be redesigned. Welsh Government has advised NRW that we should consider Phase 3 as a stand-alone scheme, for it then to be prioritised for potential inclusion in future work programmes. We will change our proposals if it is justified
<i>consider the appropriate spatial scale for action;</i>	There is a flood risk to the 70 properties in Phase 3 area and we consider that there is a need to provide an equivalent level of protection to those properties in Phases 1 and 2. This will be a relevant consideration in the appraisal process for reviewing the new options in the Binnie Report.
<i>promote and engage in collaboration and co-operation;</i>	The process to reconsider how to proceed with the Scheme will involve consultation with Professor Binnie and those who are to benefit from the Scheme, as well as the wider community including those opposed. Both DCWW and Cardiff Council have been identified as interested parties.
<i>make appropriate arrangements for public participation in decision-making;</i>	In reconsidering the new options in the Binnie Report, we will re-engage on those options with the campaign group and representatives for those who will benefit from the Scheme. As part of this process, we are considering using an independent facilitator to work with the campaign group, the community and other interested parties.
<i>take account of all relevant evidence and gather evidence in respect of uncertainties;</i>	In addition to our existing evidence, we should review the new evidence and options in the Binnie Report as part of the decision on how to proceed with the Scheme. This will help us determine if NRW's proposed approach is still the best way to proceed or if the Scheme should be redesigned.
<i>take account of the benefits and intrinsic value of natural resources and ecosystems;</i>	The value of protecting people and property and the well-being benefits from the park will be considered as part of the options appraisal.
<i>take account of the short, medium and long term consequences of actions;</i>	The Scheme is designed to deliver long term benefits to the Phase 3 area. We will consider whether the options in the Binnie Report offer similar benefits over the short, medium and longer terms.
<i>take action to prevent significant damage to ecosystems;</i>	The Scheme is both the protection of people and property and assessments will be carried out to assess and mitigate impacts on the parks and gardens. We will consider whether the options in the Binnie Report offer similar protections to the ecosystem as NRW's proposed Scheme.

<i>take account of the resilience of ecosystems,</i>	This will be a relevant consideration in the appraisal process for reviewing the new options in the Binnie Report.
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Recommendation

9. It is recommended that NRW reconsiders the delivery options for Phase 3 of the Roath Scheme as a stand-alone scheme with potentially a new business case that will need to gain internal approval and in turn approval from Welsh Government.

10. It is proposed that we consider our currently proposed option, revisit some of those options discounted during the options appraisal stage, plus any new options provided by the Binnie Report.

11. As part of our reconsideration and any business case development, we are considering using an independent facilitator to review options by working with the campaign group, the community and other interested parties. Both DCWW and the Cardiff Council have been identified as being interested parties.

12. A communication line will be developed for internal and external use.

Key Risks

13. Phase 3 of the Scheme has been contentious, and any decision has the potential to impact on the reputation of the organisation. It is for this reason that the NRW Board is being asked to endorse the approach that we are proposing. Our continuing work with the campaign group, the community and the Welsh Government aims to mitigate this risk.

Financial Implications

14. We may need to develop a new business case. Any financial implications will then be clearly laid out and subject to established financial governance for the Capital flood risk programme.

Equality impact assessment (EqIA)

15. No specific additional assessment is required in connection with this decision.