

**TAVISTOCK TOWN COUNCIL  
BUDGET & POLICY COMMITTEE**

**24<sup>th</sup> JANUARY 2023  
MARKET ROAD RIVERBANK**

**A. PURPOSE OF THE REPORT**

To provide the Committee and Council with an opportunity to consider and agree, in principle:

- the approach to be adopted in respect of necessary stabilisation and associated works to the riverbank along Market Road (prior consideration by Council refers) pursuant to preliminary discussions with the Environment Agency (EA); and
- such next steps/long term measures as might be necessary to ensure appropriate flood mitigation arrangements are in place as may be required in the Town.

**B. CORPORATE POLICY CONSIDERATIONS**

The effective maintenance and management of resources and forward planning underpin the delivery of the Council's Strategic Plan 2017-2023 which (inter alia), seek to 'protect the built environment of the Town' as articulated variously in En 1-2 & En 7.

**C. LEGAL AND RISK MANAGEMENT ISSUES**

The Council is under an obligation, as landowner, to maintain built and natural assets in its ownership and protect visitors on its land. The Environment Agency also has responsibilities, especially on 'main rivers' including where flood defence assets have been designated. The operational risks associated with this site have previously been reported to this Committee and Council (May 2022) and the reports should be read in conjunction with one another.

However, an additional risk has been identified in discussions with the EA relating less to road collapse, than projected/modelled flood risk and prospective consequential impacts on the highway network, 'in' road located services, commercial and residential properties.

## **D. RESOURCE ISSUES**

The resource issues associated with this report are as set out therein, in the attachments, and in previous reports.

## **E. ENVIRONMENTAL ISSUES**

The environmental issues associated with this report relate principally to the proper conduct of associated work (in watercourse), and the mitigation/prevention of future flood hazard.

## **F. COMMUNICATION ISSUES**

The content of this report has been developed in association with representatives of the Environment Agency who are thanked for their assistance in helping inform content and scope options.

## **G. RECOMMENDATIONS**

The Budget & Policy Committee consider, amend as appropriate and recommend to Council, that it adopt the recommendations as set out in para 2.1 of the report.

## **1. BACKGROUND**

- 1.1 Market Road represents a highly unusual situation. Namely the road itself is a part of the highway network, but ownership and responsibility for it sit with a private party (TTC). This is further complicated by the road edge forming the river bank and therefore (although not formally designated as such), impliedly performing a role as part of flood mitigation measures for that part of the Town.
- 1.2 The enclosed file note/appendix sets out a precis of discussions with the EA pursuant to prior deliberations of the Council.
- 1.3 So far as flood mitigation is concerned the River Tavy in Tavistock is a designated EA 'main river'. This means that responsibility/powers to identify/designate/proposals to change designated 'flood defence assets' (fda's) sit primarily with the statutory bodies – EA, lead local flood authorities, district councils and internal drainage boards, whilst responsibility for the designated asset rests with the landowner.
- 1.4 The Market Road riverbank and wall, whilst not currently a designated 'fda', can however provide practical flood defence benefit to the town centre and are so identified by the EA.

However, as previously noted, the longevity and extent of the protection it can afford in its current form is unclear without further investigation or intervention by the applicable statutory body(ies) to identify if one or other of the potential funding streams could be engaged. As the appendix indicates, works to bring the site to a fda standard would likely run into some (£) millions and, as such, only be deliverable through the relevant bodies. There is no legal obligation on the Town Council to maintain a flood defence, whether formally designated, or not.

- 1.5 However, as a responsible public authority and landowner the Council will of course seek to do what it reasonably can to protect the surrounding area, visitors, residents and occupiers from flood risk. In practice that principally means discharging its obligations in relation to the river bank stabilisation and consequentially protecting highway users from the risks of subsidence (prior report refers).
- 1.6 By way of context it can be seen the EA takes the view that the boundary wall topping the riverbank is unlikely to provide protection were a flood event to place material pressure upon it. Also, that its design and construction (whether repaired or not), are incapable of meeting the criteria necessary to serve as an effective flood defence. In those circumstances it would appear that related works should appropriately be to safety/normal maintenance activities.
- 1.7 Turning to the wider possibility of accessing financial support for flood defence measures, or to support the remedial works proposed by the Council to protect the highway in its ownership, the likelihood of success, as outlined in the appendix, appears remote at this time. It is however still recommended that these options be explored, even if only to be ruled out if unsuccessful.
- 1.8 Should that occur it is further recommended that the Council make representations to the Environment Agency, in view of its flood risk modelling/analysis, to seek inclusion of Market Road (and any other areas of the riverbank in the Town that carry equivalent or greater risk to persons and built property), for identification as a future flood defence scheme. That is both consistent with the modelling it has undertaken, and provides opportunity to begin to

'future proof' the Town against what may become more extreme future weather events.

- 1.9 The last major flood event in Tavistock occurred in 1890. Given the speed at which the river rises, and changing weather patterns, with both more frequent and more extreme weather events, the precautionary principle suggests that identification of risk by the EA and the programming if/as appropriate of works be undertaken sooner rather than later.

## **2. NEXT STEPS**

- 2.1 Accordingly, in accordance with the outcome of discussions with the EA, it is recommended that:

### Current Project

- a. The Council proceed with the tender exercise previously authorised and in so doing formulate the tender documentation so as to be able to:
  - i. Disaggregate essential safety works to underpin the riverbank/fill scoured areas from any non-essential or non-safety works;
  - ii. Clearly identify whether tenderers are supported by the DEFRA Commercial Group (a requirement where grant aid is available);
  - iii. Agree that, if additional funding (see below) is not available the additional priorities shall be as set out in para (v) of the appendix.
- b. The Town Council contact Devon County Council and South West Water (para c (iv) of the appendix refers)
- c. The Council request the Environment Agency to explore the possibility of eligibility for support via:
  - i. Flood Defence Grant in Aid; or
  - ii. Local Levy.  
(para's c (ii)-(iii) of the appendix refer)
- d. The Council request from the EA, on completion of the current modelling work for the Town, the sharing of flood maps/data for the Town with the Council.

### Future Proofing

- e. Subject to the outcome of (c) above the EA be requested to review the potential for development/inclusion of a future flood prevention scheme for Tavistock and to expedite the progress development of the same.

### **3. CONCLUSION**

- 3.1 There continue to be necessary, indeed essential, safety works to the Market Road Riverbank to protect the integrity of Market Road and its users. These are being progressed.
- 3.2 However, in view of the position as clarified by the Environment Agency, the wall topping the riverbank does not form a meaningful or recognised flood defence. Accordingly any spend on it should therefore be proportionate to its position solely as a 'boundary wall'.
- 3.3 As recent EA modelling draws to an end it will be better placed to identify the extent of current and projected risk from future flood events. Accordingly, and subject to same, it is appropriate that the Council request consideration be given to the development by the EA of a flood defence scheme for Tavistock.
- 3.4 The instructions of the Committee and Council are sought.

**CARL HEARN  
TOWN CLERK  
JANUARY 2023  
TAVISTOCK TOWN COUNCIL**



**FILE NOTE of the virtual meeting held with the Environment Agency on 19<sup>th</sup> December, 2022 at 3pm to review the position in connection with the prospective availability of Grant Funding and/or in-kind Support – Market Road, Tavistock.**

**Present**

Environment Agency – representative.

Tavistock Town Council – Carl Hearn, Becky Rowe.

The EA representative had inspected the site the previous weekend with a colleague. It was noted that *if* funding could be made available works would be required to be undertaken by a DEFRA commercial group pre-approved supplier/consultant/ contractor (Note - contracts were not yet out to tender).

It was advised there were potentially two routes to funding: -

a) Flood Defence Grant in Aid (FDGiA).

This could be accessed by the Environment Agency and County Council through the submission of a Business Case. However, the applicable areas of riverbank and retaining wall were not listed as a "flood defence asset" (which this scheme was primarily designed to support)..

It was also noted that the wall varied in condition, the visual inspection having identified areas of degradation in mortar, bowing and what appeared to be historic infilling of the original structure. There was consequently a lack of assurance as to its integrity, howsoever classified.

It was therefore the view of the Environment Agency that it would likely be difficult to make a case funding via "Flood Defence Grant in Aid".

More generally regarding flood risk events these were typically categorised by the EA on the basis of likelihood of an occurrence (y) in (x) number of years.

Looking at the Environment Agency modelling the indications were that a flood event which would top the *road height* was likely to occur, on average, once in every 5-years.

Then a flood event which might overtop the '*retaining*' wall (which sat on the road) would be a once in every 25-year event.

Recent modelling in Tavistock (still at a preliminary level but could be shared at the point when it became more complete) suggested that whether a 1 in 30, 100, or 175-year event were predicted for Tavistock it

would be unlikely to make a significant difference to flood risk analysis for the town centre.

This reflected that a lower risk rating was attached to the flooding of commercial properties as opposed to residential (the area being principally commercial in nature) - and most modelling did not project water levels reaching Duke/Brook Street.

However, a consequential area of concern for any flood event was in the vicinity of Abbey Bridge (where flood water was expected to accumulate) with potential associated impact on the main highway network at that point (A386), on the canal, and further downstream in and around Tavistock College.

b) Local Levy

The second source of potential funding was via the local Levy to which statutory partners contributed as part of the work of the South West Regional Flood and Coastal Committee (SWRFCC). This funding was designed to address matters where either the prior scheme ((a) above refers) was not available, or where different economic/other priorities came into play.

To access the scheme would require an organisation such as Devon County Council to act as grant facilitator. It continued to be the case that because the retaining wall was not classified as a "flood asset" it would be more difficult to obtain funding than would otherwise be the case. This might be additionally complicated by virtue of the Town Council, unusually as land and highway owner, not being one of the statutory bodies participating in the scheme.

Looking at the location over the longer term it was the view of the Environment Agency that the area was worthy of ongoing consideration/review. However, a rebuild of the 'retaining' wall to flood protection standards (which was typically in an inverted T design) would be prohibitively expensive.

For example, an existing project (albeit somewhat complicated by access) at Lympstone providing 35 metres length of wall was being costed at £1.25million. The particular features prevalent on Market Road meant that it was highly likely a different approach (driven piles) would be required, which would be substantially more expensive.

Furthermore, the lack of a significant amount of residential housing in the area (notwithstanding residential premises in the Market Road Cottages and across the river at Dolvin Road) mitigated away from priority funding.

More generally as part of a future works programme an initial assessment had been undertaken by the Environment Agency of the position in Tavistock – looking at areas where the Tavy might flood (it being one of the fastest rising rivers in England), in what conditions, and what could potentially be done about it. Whilst there were no current proposals to include the town in an imminent programme of work there was the potential for its inclusion in a future flood defence scheme (for the whole town) but that would need assessment.

c) Outcomes – having reviewed the position it was AGREED THAT: -

- i. There was a good case for inclusion of Tavistock in future flood prevention schemes (but likely 2027 onwards) which the EA would explore;
- ii. A preliminary enquiry be made by the EA in connection with the Flood Defence Grant in Aid scheme. This was likely to be unsuccessful for the reasons previously outlined. However, it would demonstrate all avenues had been explored and might help facilitate longer term progress with (i) above.
- iii. An approach be made by the EA to ascertain whether or not the Local Levy scheme might be able to provide some support for remedial works to flood defences in Tavistock and, if so, eligibility and other criteria.
- iv. TTC to contact Devon County Council and South West Water (reflecting the linkage of Market Road into the Highway network, also the extensive South West Water services on the landward side of the road and the implications of any failure for their infrastructure), to ascertain their interest in supporting a scheme – contact details of the relevant officers in those organisations to be provided by the EA.
- v. If additional funding were not available the priorities should be to
  - o Secure the stability/safety of the road itself;
  - o Seek to secure inclusion of the 'retaining wall' in a future flood defence scheme;
  - o Acknowledge that the current wall was unlikely to be capable of retaining the river under pressure. As such any work to it should be commensurate with same.
- vi. When the current modelling work for Tavistock was completed the EA would share maps/data with the Town Council.

Note reference was also variously made to the Dartmoor Headwater Project (natural flood management) and the work of the EA Flood Resilience Team on local flood action plans/flood groups (though these tended to be better suited to areas with a history of flooding and infrastructure requiring adjustment during extreme events - which did not apply in Tavistock). There was also some discussion regarding the benefits of TTC reviewing Abbey Walk.

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