

**Joint Leadership Team
Monday, 2 September 2024**

**Policy and Resources Committee
Monday, 9 September 2024**

PART I

**River Chess - Bed and Land Transfer at Scotsbridge
(ADE)**

1 Summary

- 1.1 For the past 10 years there have been several flooding related issues at Scotsbridge. This is in part due to the alignment of the channel of the River Chess as it approaches Scotsbridge playing fields.
- 1.2 As a result, in partnership with the Environment Agency (EA), Hertfordshire County Council, who are the Lead Flood Authority, is leading on a project to enhance the River Chess channel. The project aims to reduce the impact of flooding in the Scotsbridge area. Three Rivers District Council are acting as a stakeholder in the project as one of the main landowners affected by the recurring flooding incidents.
- 1.3 For the project to succeed Three Rivers District Council is being asked to consider the acquisition of land from the Royal Masonic Trust to facilitate the construction of a new bypass channel.

2 Details

Project Background

- 2.1 The River Chess is a chalk stream that rises in Chesham in Buckinghamshire and runs through the Chess Valley to Rickmansworth, Hertfordshire where it meets the River Colne. Chalk streams are globally rare habitats with 85% of them found in the UK, primarily in Southeast England. The Chess is home to a variety of important and protected wildlife and flora, such as water vole, brown trout and stream water-crowfoot. The stretch at Scotsbridge Mill is no exception.
- 2.2 The river at Scotsbridge Mill suffers from a range of problems linked to the historic realignment of the river channel at a higher level than the flood plain to power the mill and support adjacent watercress beds. The unnatural channel form has led to silt accumulation upstream of the mill, lack of fish passage around the mill weir, riverbank erosion, recent channel breaching and associated flooding on TRDC and adjacent land.
- 2.3 There was a major flood event at Scotsbridge in February 2014, when out of channel flows caused flooding of properties and closure of the A412, generating much local concern. The channel breached again in 2020 and again in 2023/24. These issues impact not only the local community but also the ecology of the river and the species able to inhabit it. The unnatural river profile also makes the river less resilient to extreme flow conditions that are likely to become more frequent due to climate change.
- 2.4 This project, which is being led by Hertfordshire County Council on behalf of and in partnership with the Environment Agency and Three Rivers District Council as a

principal stakeholder to the project, aims to determine, agree and deliver a sustainable solution to these problems. The main objectives of the project are to:

- Reduce flood risk
- Minimise ongoing maintenance costs
- Improve the habitat quality of approximately 1km of chalk river, contributing to Water Framework Directive objectives
- Enable fish passage around the mill weir
- Improve the public green space alongside which the river flows and increase enjoyment of the water environment
- Increase the resilience of the habitat to climate change

2.5 The section of the River Chess at Scotsbridge has a number of landowners (Appendix A):

- The western bank and land immediately to the west is owned and managed by Three Rivers District Council
- The eastern bank and land immediately to the east is owned and managed by a private landowner, another section in the northern extent is unregistered land
- The riverbed is owned by the Royal Masonic Trust in the northern extent and is unregistered for the southern extent
- Land downstream is owned by Mitchells & Butlers (who own the restaurant)
- The body of water (including water quality) is the responsibility of the Environment Agency

2.6 A feasibility study and options appraisal was carried out in 2017 and 2018, and at that time a preferred option was determined to achieve the objectives of the project with the four landowners (as detailed above and in Appendix A) involved. This option involves splitting the flow of the river Chess into two channels. A new side channel would be created, creating important additional chalk river habitat and enabling fish passage. This would also relieve pressure on the existing channel, greatly reducing the risk of a breach in the banks and therefore would reduce flood risk.

2.7 A map of the project proposal and proposed land ownership is detailed within Appendix B.

2.8 Hertfordshire County Council and the Environment Agency have now secured funding to prepare detailed, construction-ready designs and are able to proceed with this next phase of the project, subject to the support of Three Rivers District Council.

2.9 Any work to the river will require a permit from the Environment Agency, which will be managed by Hertfordshire County Council as the project lead. The permit will only be granted if the works are expected to not increase the associated flood risk.

- 2.10 In 2020, at the initial design stage, hydraulic modelling was completed which summarised that the preferred option (proposed for detailed design) is favourable as it reduces flood risk at the mill by bypassing it, it also has environmental and ecological benefits. At the detailed design phase additional hydraulic modelling will be completed to support the design and ensure current information is utilised.

Implications for Three Rivers District Council

- 2.11 The proposed new channel would need to enter Royal Masonic Trust land. It will also be necessary to modify the route of the public footpath which currently runs along the west bank of the river, so that the footpath remains on the west bank of the new channel. This would mean that the public footpath (Rickmansworth 029) would also incur upon Royal Masonic Trust land.
- 2.12 The Royal Masonic Trust have shared their support for the project and would be in agreement with the transfer of the section of land (approximately 1200m²) to Three Rivers District Council identified in Appendix B. The Royal Masonic Trust have made such a transfer conditional upon Three Rivers District Council also taking on the ownership of the River Chess bed – a 500m stretch within Scotsbridge, also identified in Appendix B. Ownership of the river bed is not key to the project, but the Royal Masonic Trust will not agree to the land transfer of the smaller section of land without it. Officers have explored the possibility of requesting a reverse premium (i.e. TRDC being paid to acquire land), in return for accepting the river bed land, but the project cannot financially support this request. Without this exchange, the project will not progress.
- 2.13 Officers have sought external professional advice on the implications of owning a riverbed:
- 2.14 “Generally riparian ownership responsibilities won’t look any different to what you currently have at sites like the Taylors Cut (the Bury Grounds), If it’s just the riverbed you’re taking on. You’ll just be responsible for making sure nothing happens without consent from a flood risk and pollution perspective. It may even open more opportunities for environmental enhancements and amenity projects.”
- 2.15 Three Rivers District Council, is already the riparian owner of a number of other sections of rivers within the District, located at:
- Sections of the River Colne within the Aquadrome, the Bury Grounds and at the Withey Beds
 - River Gade at Croxley Common Moor
 - River Chess, at Scotsbridge Playing Fields (identified in Appendix A) and at Chorleywood House Estate
- 2.16 A riparian owner has responsibilities for a watercourse, where they are the landowner, through which a river flows on or under their land or on the boundary of their land, up to the centre. In essence, where Three Rivers District Council own the land adjacent to a water course, the council is responsible for the riverbank on their side of the land and the river bed, up to the centre of the river.
- 2.17 The Environment Agency remain responsible for the water and the quality of the water.

- 2.18 In addition to the implications highlighted at point 2.11, Three Rivers District Council would be responsible for the management and maintenance of the additional parcel of land from the Royal Masonic Trust.
- 2.19 In the absence of a reverse premium, officers are requesting a commuted sum for the first 10 years for maintenance of the riverbed and the additional parcel of land from the project.

Benefits to Three Rivers District Council

- 2.20 Despite not being the Lead Flood Authority or being responsible for the water within the River Chess, public perception is that Three Rivers District Council is responsible when flooding occurs, due to the river flowing through its land. At present there is a misguided and incorrect public perception that Three Rivers District Council is neglecting responsibilities which it does not in fact have and that this is resulting in flooding in relation to the Chess at Scotsbridge. Any reduction in flood risk at this location therefore presents an opportunity to improve public perception of the council.
- 2.21 When the hydraulic modelling was conducted at an outline design phase, the proposed option, “a bypass channel from the straightened reach to the watercress beds channel, did not increase flood risk downstream.” The modelling noted increased flow within the watercress beds channel but that it was retained in bank and the water levels in the mill channel were reduced; downstream of the mill channel and watercress beds channel confluence there was no impact on water levels. The addition of a flood storage area within the playing fields would further reduce flood risk even if the bypass channel breached.
- 2.22 The project is therefore projected to result in the creation of a new, attractive, fast-flowing and wildlife rich river channel, supporting the Council's approach to enhancing biodiversity across the district and in particular, enhancing a globally rare, Chalk stream habitat.

Next Steps

- 2.23 For the project to proceed to the next stage, which includes detailed design work and consultation, Three Rivers District Council is being asked to confirm support in principle for the project, which includes agreement to the transfer of land as identified within Appendix B should the project move to implementation.

3 Options and Reasons for Recommendations

- 3.1 The purpose of this report is to provide an overview of the Scotsbridge River Chess project, being led by Hertfordshire County Council and commissioned by the Environment Agency.
- 3.2 The report recommends that Members support progression of the project and agree to accept the land transfer as outlined within Appendix B. Members are also asked to note the implications of doing so as outlined at point 2.11. Further, detailed heads of terms will be developed as the project progresses.
- 3.3 Officers recommend that a letter is written to support the project and that the transfer of land ownership takes place only once the project is due to commence on the ground and not before and that the commuted sum is calculated once detailed designs have been agreed in order to calculate the required additional, ongoing, maintenance.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within the Council's agreed policies, including the Biodiversity Policy.
- 4.2 The recommendations in this report are not within the Council's agreed budget – the project will be externally funded with Hertfordshire County Council as lead. In addition, this Council will request a commuted sum from the project, for the first 10 years for maintenance of the riverbed, the new bypass channel and the additional parcel of land.
- 4.3 The recommendations in this report relate to the achievement of the of the following objective within the Corporate Framework 2023 – 2026:
- A district that takes action to mitigate and adapt to the climate emergency.
- 4.4 The impacts of the recommendations on this objective would be to:
- Improve the river channel in order to reduce the risk of flooding in the area
 - Create opportunities for a wildlife rich river channel
 - Enhance a globally rare chalk stream habitat
 - Increase access for the public to greenspace

5 Financial Implications

- 5.1 The project will be delivered and led by Hertfordshire County Council (HCC) with funding applied for by HCC in due course for the delivery phase.
- 5.2 There is £8,190 approved Scotsbridge Chess-Habitat Restoration budget, which will support the overall project cost.
- 5.3 Officers will request a commuted sum for the first 10 years for maintenance of the riverbed and the additional parcel of land and request this agreement in principle in writing from the Environment Agency. The exact sum will be calculated once the detailed design work has been completed.

6 Legal Implications

- 6.1 The Localism Act 2011 gives the Council a general power of competence to do anything an individual may do although this is expressly subject to any statutory limitations that predate the commencement of that Act.
- 6.2 Under section 120 of the Local Government Act 1972, the Council may agree to purchase land by agreement for any of its statutory functions or for the benefit improvement or development of their area.
- 6.3 In deciding whether to approve this transaction, Members need to be aware of their fiduciary and best value duties in terms of the prudent and responsible stewardship of the Council's assets and resources.
- 6.4 An Environment Agency Flood Risk Activity Plan (permit) will be required prior to work to the river channel – this will be led by Hertfordshire County Council.

6.5 Following detailed design work planning permission may need to be sought depending on the recommendations. The planning permission would also begin the process of amending the route of the Public Right of Way if required.

7 Equal Opportunities Implications

7.1 A short equalities impact assessment will be completed as part of the project should it progress.

7.2 The aim of the project is to improve the habitats present and accessibility for the public through reducing the amount of time the area is impacted through flooding and retaining the public footpath (Rickmansworth 029).

8 Staffing Implications

8.1 The Natural Infrastructure Programme Manager will provide support to the project.

8.2 Following completion of the project, the Grounds Maintenance team will take on the management of the channel improvements. Throughout the project, there will be an emphasis to balance ecological improvements with minimal maintenance initiatives to ensure the long-term sustainability of the project. Once complete the bypass channel, in tandem with the bank improvements taking place this winter, should reduce the breaches and therefore reduce the need for reactive works to the channel to prevent a larger breach. Overall, it is anticipated that the impact will be neutral.

9 Environmental Implications

9.1 The river Chess is currently classed by the Water Framework Directive as “moderate ecological status.” The project will enhance a globally rare chalk stream habitat and create a wildlife rich river channel. In addition, the work to enhance the channel will aid the resilience and adaptability of the local area by reducing flood risk.

9.2 The Sustainability Impact Assessment gave a score of 3.7 indicating that there is potential positive impact resulting from this project relating to increased flood capacity, improved pedestrian accessibility, and a section of restored chalk river.

Climate and Sustainability Impact Assessment Summary	
Homes, buildings, infrastructure, equipment and energy	N/A
Travel	3.00
Goods and Consumption	N/A
Ecology	4
Adaptation	4.00
Engagement and Influence	4
Total Overall Average Score	3.7

9.3 Whilst this project will not address water quality as that remains the responsibility of the EA and water companies it is worth noting that the issue surrounding the water quality of the river Chess remains, a key contributor to this problem is Chesham Sewage treatment works, which is a Thames Water Asset with the responsibility of water quality lying with the EA. Scotsbridge is approximately 10km downstream of

Chesham Sewage Treatment works. In 2023, Thames Water committed £16.4 million to improve the sewage treatment works which on many occasions has discharged sewage into the river Chess, this EDM (event duration monitoring) map show the status of each treatment plant and when they last discharged: <https://www.thameswater.co.uk/edm-map>. Other contributors to the poor water quality may include road, industrial and agricultural run-off.

10 Community Safety Implications

- 10.1 The reduced flood risk would improve community safety local as the reinforced banks and bypass channel will result in fewer flood events; if recommended at detailed design phase the opportunity for additional flood storage can also be explored to further protect the local area. In addition, with river water better contained within the channel there is a lower risk of people interacting with water that may have been contaminated with sewage upstream.

11 Public Health implications

- 11.1 Public footpath (Rickmansworth 029) will continue to be accessed and used by local residents and visitors to the area.
- 11.2 A body of evidence is growing which explains the benefit people can experience from contact with the natural world; for example, increased prominence of social prescribing by clinicians for walking or gardening to alleviate symptoms. <https://www.gov.uk/government/publications/state-of-the-environment/state-of-the-environment-health-people-and-the-environment>
- 11.3 Further to 10.1, flood water can cause a variety of health problems including physical injury, sickness and long-term illnesses due to contaminants and pathogens associated with the water. As water is breaching the banks and leaving the channel there is also potential for these contaminants to accumulate within the soil.
- 11.4 Therefore, the additional capacity that the bypass channel would provide could assist with reducing these impacts, furthermore a secondary effect of the additional marginal vegetation, due to be planted this winter, is filtering the water.

12 Customer Services Centre Implications

- 12.1 potential to reduce calls and complaints about flooding

13 Communications and Website Implications

- 13.1 Hertfordshire County Council will be producing a range of communication information and consultation/engagement sessions with the local community and stakeholders.
- 13.2 Three Rivers District Council will engage with and share these pieces of information through its communications channels.
- 13.3 Members will be kept updated as the project progresses.

14 Risk and Health & Safety Implications

- 14.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and

Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

- 14.2 The subject of this report is covered by the Leisure and Natural Infrastructure service plan.. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Works to the river could cause flooding	Flooding of the site, road and nearby property	Environment Agency permitting will be required for works relating to the main river channel	Treat Work will only proceed once the EA permit is in place, the EA will only grant a permit if flood risk is not likely to increase	6
Financial implications to the Council for taking on additional land ownership	Increased costs to the Council. Impact on the Council's reputation due to lack of maintenance	Request a commuted sum from the Environment Agency for maintenance of the river and additional land.	Treat	4
Complaints from the public about flooding in the Scotsbridge area and surrounding road and property	Reputational damage, despite not being the lead flood authority	Support the river restoration work to reduce the risk of flooding	Treat	4
Continued degradation of a globally rare chalk stream habitat	Environmental damage to the chalk stream, resulting in negative public perception of the Council	Support the river restoration work to enhance the River Chess	Treat	4
Complaints from the public about the amended public access	Reputational damage	Ensure engagement is thorough to reach as many of the community as possible and to highlight the ecological and hydrological benefits of the project	Treat	4

- 14.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
Impact Low -----► Unacceptable				

Impact Score	Likelihood Score
4 (Catastrophic)	4 (Very Likely (≥80%))
3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

- 14.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

15 Recommendation

That Policy and Resources:

- 15.1 Supports progression of the project and agrees to accept the land transfer as outlined within Appendix B. Members are also asked to note the implications of doing so as outlined at point 2.11. Further, detailed heads of terms will be developed as the project progresses.

- 15.2 Agrees for a letter to be written to support the project and that the transfer of land ownership takes place only once the project is due to commence on the ground and not before and that the commuted sum is calculated once detailed designs have been agreed in order to calculate the required additional, ongoing, maintenance.

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Data Quality

None

APPENDICES

Appendix A – Map of current land ownership

Appendix B – Map of proposed land ownership changes at Scotsbridge