

Report No.1

River Bank Maintenance at Stainsbridge

1. Purpose of Report

To update the Committee on the status of river bank maintenance at Stainsbridge (where the Tetbury Avon under the Gloucester Road).

2. Background

2.1 In November 2013 I called a meeting for Councillors, Wiltshire Council land drainage engineers and representatives of the Environment Agency to discuss flood risk management at the Town Bridge and other areas of the town including "the Skate Park area". On 7<sup>th</sup> November I wrote as Mayor to Miranda Gilmour (Malmesbury Community Area Manager) requesting that something be done to clear overhanging trees and blockages in the Tetbury Avon in the stretch between the Park Road footbridge and (Gloucester) road bridge a.k.a. Stainsbridge. I said "[i]t is firmly believed that these overhanging trees are blocking the river's conveyance of water eastwards, and contributing to the flooding experienced on the opposite north bank".

2.2 On 17<sup>th</sup> December Ms Gilmour wrote to me saying that the Malmesbury Area Board would be "happy to co-ordinate a contractor to clear the river, splitting the cost between the landowners" if I could identify those landowners.

2.3 The north bank of the river lies alongside Wiltshire Council's Youth Centre / Skate Park and they are presumed to have riparian responsibilities for that bank. In January 2014 my searches of the Land Registry indicated that the land on the south bank was owned by "Cotswoldgate Malmesbury Limited" who had built the Athelstan Court development. I provided this information to Ms Gilmour on 8<sup>th</sup> January.

2.4 At the Malmesbury Area Board meeting on 5<sup>th</sup> March 2014 the Board offered £3,179 "to support flood mitigation projects in Malmesbury and the surrounding area". At the meeting I rather controversially said that it was not money that was required for work on this stretch of river, it was for Wiltshire Council to clear their banks and to help in requiring Cotswoldgate to clear theirs.

2.5 On 16<sup>th</sup> April one of the Town Council's groundsmen noticed that a tree had newly come down into the river between the footbridge and road bridge. The Deputy Town Clerk reported this to the Environment Agency. Within a couple of weeks the fallen tree and other in-stream debris had been removed, but we do not know by whom.

2.6 On 7<sup>th</sup> May, Ms Gilmour wrote to me saying that "The area board are minded to undertake the clearance on both sides of the bank to ensure early and effective execution of this work." She asked that I liaise with the Highways Community Coordinator for Malmesbury, Matt Perrott, who would organise this work.

2.7 On 13<sup>th</sup> May two officers from the Environment Agency visited Malmesbury to view the site for works proposed at the Town Bridge and also at Stainsbridge. In their letter of 5<sup>th</sup> June the local EA officer said:

"Following our meeting on site with John Gundry on the 13 May 2014, we recommend maintenance of the Tetbury Avon between ST9302887794 and ST9308387760 (as shown on the ... map). The clearance of vegetation along this section of river will aid flood flows through Malmesbury and away from flood risk

properties. We are pleased to hear Wiltshire Council are happy to clear the left bank as riparian landowners and hopefully this will be true of the landowner on the right bank."

- 2.8 I conveyed this EA approval to Ms Gilmour and Matt Perrot on 11<sup>th</sup> June. On 30<sup>th</sup> June Ms Gilmour wrote to me saying that "the area board ... is no longer in a position to undertake the clearance of the river which is not their riparian responsibility". She suggested that I approach Cotswoldgate Malmesbury to contribute half of the cost of the works to both banks. The total cost in an estimate obtained by Matt Perrott from Wessex Tree care was £2567.80 plus VAT.

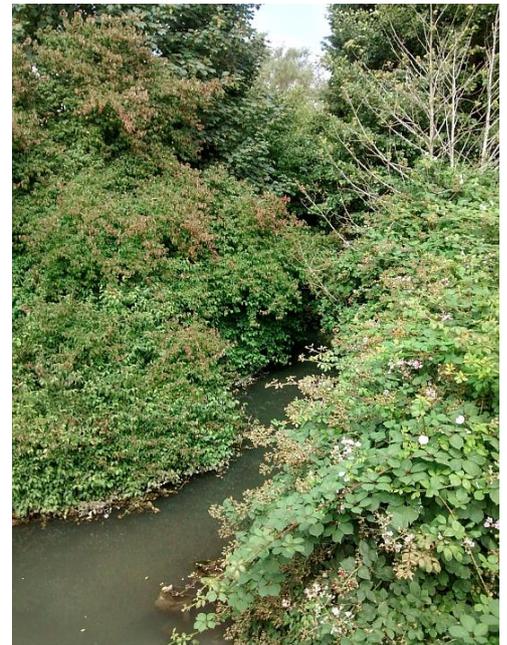


- 2.9 On 16<sup>th</sup> July after some detective work I located and contacted the Secretary of one of a set of companies associated with Cotswoldgate Malmesbury Limited and who shared their address. After a number of email and phone exchanges the Secretary informed me that while Cotswoldgate (which had changed its name) held the freehold to the land on the south bank, responsibility for the management of the freehold had passed to the residents' management company for Athelstan Court, Octagon (Malmesbury) Management Limited.

- 2.10 On 24<sup>th</sup> July I wrote to the Director of Octagon (Management) Limited to request a meeting to discuss the maintenance of the bank. (Right: the bank in July from Stainsbridge looking west, upstream.)

- 2.11 Following further email exchanges, I met the Director of Octagon at Athelstan Court on 3<sup>rd</sup> September and explained the concerns about flooding, the EA recommendation and I requested that Octagon consider paying an approximately £1,500 half share of the maintenance work. He agreed to take my request back to the residents for a decision.

- 2.12 After six weeks I asked the Director if there was any update. His reply on 16<sup>th</sup> October was: "The latest news is that we have decided to purchase the freehold of the areas we discussed when we met. This has advanced to the stage where solicitors are in contact. This will avoid any confusion in the future. I don't envisage this should take much time. We appreciate we shall need to do some maintenance of the riverbank. We would want to obtain more than 1 quote from a contractor to do this work."



- 2.13 My plan now is to see if Wiltshire Council will be able to obtain two quotes to satisfy the shareholders of Octagon (Management) Limited. Alternatively Octagon could get a quote but I believe that would have to be from a contractor acceptable to Wiltshire Council.

### 3. Recommendation

The Committee is invited to note the contents of this report

Cllr John Gundry, Chair, P&E  
22<sup>nd</sup> October 2014