

# [News story: Multi-Agency Flood Plan \(MAFP\) Review: Terms of Reference](#)

The Environment Secretary, Michael Gove, has made a [Written Ministerial Statement](#) in parliament announcing that Defra and the Environment Agency (EA) will be undertaking a review of multi-agency flood plans produced by local resilience forums (LRFs).

These plans are used by local responders (including the emergency services, local authorities, local NHS and others) to coordinate their response to flood incidents.

The MAFP Review is part of the government's ongoing work to address flood risk. We are investing £2.5 billion to better protect the country from flooding: this includes over 1,500 flood defence schemes, which will better protect more than 300,000 properties by 2021. As we approach winter, we have improved our capability to deploy military assistance and invested in our ability to respond to flooding: the Environment Agency now has 25 miles of temporary barriers and we have 1,200 military troops trained to assist in flood response.

## **Terms of Reference – Multi-Agency Flood Plan (MAFP) Review**

The MAFP Review is a Defra and Environment Agency review initiated by the Secretary of State for Environment, Food and Rural Affairs.

The review will be led and overseen by an independent external reviewer, Major General Tim Cross CBE (retired). General Cross will be supported by a steering group of external experts in resilience and emergency planning, including from LRFs.

The review will address the question, 'Do LRFs have robust plans in place to respond to flooding incidents in their respective areas?' It will have three workstreams:

- Workstream 1: Assessment of current MAFPs. This will be taken forward by the EA. It will involve the assessment of around 30 strategic flood plans and over 600 tactical flood plans related to specific districts and communities.
- Workstream 2: A qualitative review led by the external reviewer, supported by Defra and the EA. This will involve visiting LRFs, identifying good practice, identifying issues and obstacles, and forming views and recommendations on the way forward including criteria for new guidance.

- Workstream 3: Revision of Defra guidance to LRFs on how to produce good MAFPs, taking into account lessons learnt and experience since 2011 when the guidance was last reviewed. This will be undertaken by Defra and the EA, overseen by the external reviewer.

The review is due to be completed by the end of May 2018, culminating in the publication of revised guidance and a report of findings.

The external reviewer will be supported throughout by Defra and Environment Agency staff. It is envisaged that the external reviewer's focus would be primarily on workstreams 2 and 3.

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## **Press release: Calstock residents urged to have say on flood alleviation plan**

The Environment Agency is holding a public drop-in session at Calstock next week to explain how potential works could reduce flood risk to local homes and businesses, and benefit the environment.

The Environment Agency is keen to learn from local people who are invited to attend to share their views to help shape our proposals.

Dan Boswell of the Environment Agency said:

The existing flood defence embankment in Calstock protects property and community assets but is in poor condition and unsustainable in its current position. By moving it inland it can be maintained to a better standard to increase its effectiveness at reducing flood risk and allow the creation of inter-tidal habitat to help offset the impacts of rising sea levels on wildlife.

Local knowledge and experience about the flood risk from the residents of Calstock is important to help us design a scheme that people who live and work in the community support to shape the future management of flood risk in their community.

The Environment Agency is seeking to work with local partners to ensure its work delivers as many benefits as possible to the community. This includes:

- managing flood risk to the community, and the impacts of climate change
- protecting the environment and visual landscape of Calstock and the Tamar Valley as an important recreational amenity

- enhancing the environment by attracting additional wildlife to the improved local habitat on land reconnected to the river

The drop-in session for people to learn more and share ideas will take place in the Kelly Room of Calstock Arts on Wednesday 8 November 2017, from 3pm to 8pm.

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## **Press release: Plymouth fly-tipper banned from waste collection business**

A fly-tipper who dumped household waste in the Devon countryside has been banned from working in the waste industry for 2 years. John McDonagh has also been ordered to carry out 100 hours unpaid work and pay £500 costs. The case was brought by the Environment Agency.

McDonagh, of Victoria Road, Plymouth, cold-called a householder offering to remove waste for cash. Instead of disposing of it properly, he fly-tipped it in the surrounding countryside.

The defendant was caught after he removed some old window frames and builders rubbish from a garden in Shaldon Crescent, Plymouth in November 2016. The owner agreed to pay him £50 upfront followed by another £50 when he returned from the tip with a receipt. McDonagh loaded the waste into his Ford Transit van and told the householder he would return for the rest of the waste.

However, he never returned and dumped the waste in Beara Lane near Marley Head, South Brent. It was later discovered by a man who found the access to his field blocked by 2 one-tonne dumpy bags of builders' waste. One of the bags contained a delivery note from a bathroom company with a customer's name and address on it.

The man reported the fly-tipping to South Hams District Council and handed over the invoice to the council. The householder who had been duped by McDonagh said he felt 'disgusted' and 'ashamed' when told his waste had been fly-tipped.

Adrian Evans of the Environment Agency said:

Householders have a responsibility to ensure their waste is disposed of correctly and doesn't end up fly-tipped. If anyone offers to dispose of your waste in return for payment, make sure they are a registered waste carrier and don't forget to ask for a receipt. If in doubt, don't hand over your waste.

Appearing before Plymouth magistrates, John McDonagh pleaded guilty to

depositing controlled waste contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990. He also admitted an offence under section 1 of the Fraud Act 2006 of dishonestly misleading a person into thinking their waste was being transported to a licenced tip for disposal.

In addition to being ordered to carry out unpaid work and pay £500 costs, McDonagh was made the subject of a 2-year Criminal Behaviour Order prohibiting him from being involved in any business involving the collection, transport or disposal of controlled waste. He is also banned for offering building or home maintenance services.

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## **Press release: Natural flood management – part of the nation's flood resilience**

The Environment Agency has today (31 October) published data, case studies and evidence about the role of natural flood management in reducing flood risk. Working with natural processes to reduce flood risk is not a new concept but this is the first time that all the evidence has been brought together, with the intention of enabling more uptake.

'The evidence behind natural flood management' contains more than 60 case studies from across England and explores how successful the approach is, how it could be used elsewhere and what research may still be needed.

Natural flood management is when natural processes are used to reduce the risk of flooding and coastal erosion. Examples include: restoring bends in rivers, changing the way land is managed so soil can absorb more water and creating saltmarshes on the coast to absorb wave energy.

At Hesketh, on the Lancashire coast, a 'managed realignment' scheme has created more than 300 hectares of saltmarsh which protects 143 residential properties, 3 commercial buildings and 300 hectares of farm land. Coastal schemes such as this not only dissipate wave and tidal energy but can also reduce impact on defences, reduce tidal surges and lead to slightly lower water levels at defences.

The study includes a project in Debenham, Suffolk, where modelling has shown that installing a range of natural flood management features along the River Deben could provide more than 30,000 m<sup>3</sup> of water storage – thereby reducing annual average damages to properties and farmland by 31%.

On Lustrum Beck, in Stockton-on-Tees, modelling showed that providing 100,000 m<sup>3</sup> of storage in the upstream catchment, using wetlands, features to reduce run-off and river restoration, could reduce flows by more than 10%.

John Curtin, Executive Director of Flood & Coastal Risk Management at the Environment Agency, said:

I often think improving flood resilience is like a mosaic, many different pieces need to come together to complete the resilience picture. Natural flood management is an important part of that mosaic when used alongside more traditional engineering. These projects also provide fantastic opportunities for community involvement and leadership.

Many of our flood schemes already feature a mixture of hard and soft engineering and natural flood management. It can be a cost-effective and sustainable way to manage flood risk alongside traditional engineering, while creating habitat for wildlife and helping regenerate rural and urban areas through tourism.

Natural flood management works best when a 'catchment based approach' is taken, where a plan is developed to manage the flow of water along the whole length of a river catchment from its source to sea. This way, natural processes can be used upstream and on the coast to compliment engineered flood defences – such as walls and weirs – in populated areas.

Natural flood management not only reduces flood risk it can also achieve multiple benefits for people and wildlife, helping restore habitats, improve water quality and helping make catchments more resilient to the impacts of climate change.

The Environment Agency hopes that the evidence directory will help flood risk managers, local authority engineers, non-governmental organisations and community flood action groups to incorporate natural approaches to flood risk management in to their plans to reduce flood risk.

Earlier this year the government announced [a further £15m](#) for natural flood management schemes across England.

'The evidence behind natural flood management' was launched at the CIWEM (Chartered Institution of Water and Environmental Management) Conference in London.

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**[Press release: Jail and suspended sentences for permit breaches that led](#)**

## to fire

Corporate officers working for Nottinghamshire Recycling Limited (NRL) and 2 who worked for Park Farming Limited (PFL) have been sentenced today (Monday 30 October 2017) in Sheffield Crown Court after breaching environmental permits at 3 sites in Worksop, Nottinghamshire, and Kiveton and South Anston in South Yorkshire.

The environmental offences committed helped maximise the companies' financial gain at the expense of the environment, and led to a series of fires on 1 of NRL's sites at Shireoaks Road in Worksop in 2013 and 2014.

### **Repeat offenders**

All 3 sites were operated illegally despite the fact that NRL had previously been convicted in 2011 for offences it had committed at Shireoaks Road.

Kevin Malcom Burgess of Manton Forest Farm, Worksop, Warren Richard Steele of Drury Lane, Doncaster, David Vincent Berry of Orchard Court, South Normanton, Edward Charles Freeman of Stephen Hill, Sheffield, Martin Crowther of Chapel Rise, Anston, Sheffield and Peter Charles Sanderson of Peak Close, Bramley, Rotherham, were sentenced on Monday 30 October 2017 at Sheffield Crown Court.

Defendants linked to NRL continued to act illegally after the company had previously been convicted in 2011. Documents discovered during the course of the Environment Agency's investigation clearly demonstrated that company officers were fully aware that the sites were being operated illegally.

### **Risk to human health**

Prosecuting on behalf of the Environment Agency, Chris Badger told the court that NRL and PFL repeatedly operated outside the terms of their environmental permits for financial gain. He added that NRL officers created significant risk to the environment and harm to human health. Among other permit breaches, waste was stored in huge quantities outside of the businesses' permitted areas. Waste was blended at both the Worksop and Kiveton site in an attempt to avoid higher rates of landfill tax.

The company paid no heed to repeated warnings about the illegal storage of waste at all 3 sites, and the fire risks at Worksop. The defendants' conduct resulted in 5 fires at NRL's Worksop site during 2013 and 2014.

Large stockpiles of various waste deposited illegally by the companies at the 3 sites still remain and continue to have an environmental impact. Both NRL and PFL entered administration during the period of the investigation. They have since gone into liquidation.

## **‘Deliberate’, ‘negligent’ and ‘reckless’**

His Honour Judge Robert Moore said that the conduct of four of the companies’ directors in breaking the law had been deliberate, while a fifth had acted negligently. The actions of a site manager were judged to have been reckless in aiding and abetting the offending that took place at Kiveton and South Anston.

In mitigation, the judge noted that all defendants had pleaded guilty to the charges that they faced and applied an appropriate reduction to their sentences. He also commented that the defendants had not made personal financial gain as a result of the offences. All 6 defendants were of previous good character.

The sentences imposed by the judge were as follows:

1. Kevin Burgess – 21 months’ immediate custodial sentence. Disqualification from being a director for 7 years.
2. Edward Freeman – 8 months’ custody suspended for 2 years with a requirement to perform 150 hours of unpaid work. Contribution towards prosecution costs of £5,000.
3. Warren Steele – 6 months’ custody suspended for 2 years with a requirement to perform 100 hours of unpaid work. Contribution towards prosecution costs of £5,000.
4. Peter Sanderson – 8 months’ custody suspended for 2 years with a requirement to perform 150 hours of unpaid work. Contribution towards prosecution costs of £5,000.
5. Martin Crowther – 12-month community order with a requirement to perform 80 hours of unpaid work. Contribution towards prosecution costs of £1,500.
6. David Berry – 12-month community order with a requirement to perform 100 hours of unpaid work. Contribution towards prosecution costs of £5,000.

Commenting after the hearing, Environment Agency Waste Regulatory Specialist Iain Regan said:

This was a large and complex investigation, and one in which Nottinghamshire Recycling Limited at various stages deliberately attempted to mislead us as the regulator. Companies like NRL distort the waste market by unfairly undercutting legitimate waste businesses, making it difficult for compliant firms to compete. This causes erosion of the legal waste sector and standards, resulting in an industry which is vulnerable to domination by illegal operators who have no concern for protecting the public or the environment.

We hope this case assures the legitimate waste industry and the public that we will investigate businesses who deliberately or recklessly flout the law, and that the sentences passed today send a clear message that behaviour as exhibited by NRL, PFL and their management is unacceptable. □

The EA has brought this case to a successful outcome by dedicated hard work and professionalism.

## Offences

1. Operating a regulated facility except under and in accordance with an environmental permit, contrary to Regulations 38(1)(a) and 41(1) of the Environmental Permitting (England and Wales) Regulations 2010 – Kevin Burgess, Warren Steele, David Berry, Edward Freeman and Peter Sanderson. Worksop offence.
2. Keeping controlled waste in a manner likely to cause pollution of the environment or harm to human health, contrary to Sections 33(1)(c), 33(6) and 157 of the Environmental Protection Act 1990 – Kevin Burgess, Warren Steele, David Berry and Edward Freeman. Worksop offence.
3. Operating a regulated facility except under and in accordance with an environmental permit, contrary to Regulations 38(1)(a) and 41(1) of the Environmental Permitting (England and Wales) Regulations 2010 – Kevin Burgess, Warren Steele, David Berry and Edward Freeman. Martin Crowther, at the same place and time, did aid, abet, counsel and procure those persons to commit the said offence. Kiveton offence.
4. Operating a regulated facility except under and in accordance with an environmental permit, contrary to Regulations 38(1)(a) and 41(1) of the Environmental Permitting (England and Wales) Regulations 2010 – Kevin Burgess. Martin Crowther, at the same place and time, did aid abet, counsel and procure Kevin Burgess to commit the said offence. South Anston offence.