

Notes of informal borehole meeting 30th September 2021 via Teams

Present.

Parish Council

Iain Keeping, Ann Wright (Clerk)

Cheshire West & Chester Council

Kieran Collins

Purpose of Meeting: Discuss borehole at Old Mill Place.

It was reported that concerns had been raised that the borehole at Old Mill Place is causing the car park there to be continuously wet and is contributing to the flooding of nearby cellars. There is concern that if it is capped this will contribute to future flooding issues which it will be difficult to address.

Mr Collins confirmed that he had received an EA report on the borehole.

It was discussed that borehole while in use may have depressed the water table, however given the amount of water present compared to the amount of water drawn off it is unlikely that the borehole would have lower the water table by a significant amount.

It was noted the Environment Agency are happy with the capping method proposed by Refresco.

It was noted that the license issued for the borehole is specifically for the drawing off of water for bottling, it is not legally possible to simply transfer the license to another body. A new license would need to be issued which would specify the use of the borehole and include conditions based on today's standards. It was noted the current license dates back to the 1930s and had not been updated.

It was highlighted that there was a clause in the license to allow for water to be drawn from the borehole into the Millbrook to increase flow at the sewerage works. It was highlighted that as this had been include in the 1930s license the sewerage works may no longer be the same works or function in the same way.

CW&C as the Lead Local Flood Authority has no responsibility or legislative duty and therefore no funding to take over management of the borehole. If there is excessive water coming off the borehole or pollution this would be addressed by other agencies including EA.

Section 19 Report

It was noted that a Section 19 Report is being prepared regarding the flooding which took place in Tattenhall in January 2021.

It was explained that Section 19 Reports follow very strict guidance and are not written to identify blame. They are factual reports of what happened, when and where, and will make recommendations.

It was confirmed the Section 19 Report will address the borehole issue.

The interim report is due to go to CW&C cabinet on the 24th November.

Old Mill Race

It was noted that the former Mill Race now runs under Old Mill Place through little more than a drain into the Millbrook, it was suggested the flow capacity of this may have contributed to the flooding in January 2021.

It was discussed that there is no evidence that an old river flows under Old Mill Place.

Ownership & Responsibility

As Old Mill Place is private responsibility lies with the property or landowners.
For 'ordinary water courses' responsibility lies with the riparian landowner.

It was stated that the capping of the borehole was unlikely to contribute to the flooding or seepage

issues, however if it can be evidenced that this is the case it would be considered a 'common law nuisance' which would take the form of a civil action against the landowner which would still be Refresco (borehole).

Pollution

It was noted that the issue of pollution from the borehole had been raised with CW&C whose contaminated land team are investigating. EA have stated they believe it is being caused by iron coming from the borehole.

Mr Collins was thanked for attending the meeting.

Ann Wright
30 09 2021