

**LEGAL ADVICE TO OVERVIEW & SCRUTINY COMMITTEE ON 28<sup>TH</sup>  
FEBRUARY 2022.**

**RE: SECTION 19 REPORT – PENTRE FLOODS – NRW LIABILITY**

At the Overview & Scrutiny Committee on 21<sup>st</sup> September 2021 the Committee asked for legal advice on holding Natural Resources Wales liable for the flooding to properties in Pentre caused by Storm Dennis.

As Mr. Hanagan advised during the meeting there is nothing to stop Committee coming to a view on the responsibility (in full or in part) for the cause of the flooding to properties in Pentre, however, it is ultimately for the courts to make a determination on liability.

The Committee is entitled, after considering the matter, to come to a view on who is responsible and the Committee may express and publicise that view, however, any determination made by the Committee is not binding on Natural Resources Wales. The Courts would be the ultimate arbiter in the matter and may impose a section depending on the nature of any claim brought.

Simon Humphreys

Head of Legal Services