

**SCRUTINY COMMISSION – 9 NOVEMBER 2011****FLOODING UPDATE****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****Purpose of Report**

1. The purpose of this report is to advise Members of developments that have taken place since the work of the Review Panel on Flooding was considered by the Commission in June 2010.

**Policy Framework and Previous Decisions**

2. On 15<sup>th</sup> June 2010, Cabinet considered a report of the Scrutiny Review Panel on Flooding and resolved:
  - (a) That the Scrutiny Review Panel on Flooding be thanked for its comprehensive report and that the recommendations be approved;
  - (b) That the comments and decisions of the Scrutiny Commission be noted;
  - (c) That the Director of Environment and Transport be requested to ensure that the Panel's recommendations are acted upon;
  - (d) That, subject to the availability of detailed guidance from the Government, the resource implications of the Floods and Water Management Act be brought forward as part of the County Council's budget for 2011/12;
  - (e) That a multi-agency strategic Flood Risk Management Board (to be chaired by the Director of Environment and Transport) be established.
3. The recommendations of the Panel are summarised in Appendix 1 to this report, together with a commentary describing action taken in response.

## **Legislative Background**

4. The Flood and Water Management Act received royal assent on 8<sup>th</sup> April 2010. This has established the County Council as Lead Local Flood Risk Authority. This new role is accompanied by the following key responsibilities:
  - A duty to investigate flooding incidents.
  - A duty to maintain a register of assets likely to have a significant effect on flood risk (not just our assets, but anything on a watercourse)
  - A duty to publish a preliminary Flood Risk Assessment
  - A duty to prepare a Local Flood Risk Management Strategy
  - A duty to work together with other agencies in addressing flood risk
  - The role of Sustainable Drainage Systems (SUDs) Approval Body (not yet applicable).

## **Progress against the recommendations of the Review Panel**

5. There has been good progress against the recommendations of the review panel, as detailed in Appendix 1. Many of the actions are on-going and continue to receive attention.

## **Progress against legislative requirements**

6. In response to the requirements of the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009, the following work has been undertaken:
7. Investigation of flooding incidents – We have established procedures for collecting information about flooding events and are developing criteria for the subsequent investigation, basing our approach on best practice elsewhere
8. Maintaining a register of assets likely to have a significant effect on flood risk - We have used our existing asset register for highway bridges and structures as a starting point for this, since many of them are related to rivers and other watercourses. This will be supplemented by information on highway drainage, Environment Agency and district council assets, finally moving on to structures on private land. There is no specific timescale required by the legislation and in practice this will be an exercise that will never be complete.

9. Publication of a preliminary Flood Risk Assessment – This was approved by Cabinet on 14<sup>th</sup> June 2011 and was submitted to the Environment Agency who are responsible for its publication by 22<sup>nd</sup> December 2011
10. Preparation of a Local Flood Risk Management Strategy – The National Strategy, which will underpin our local strategy, was published in August 2011. Whilst Department for Environment, Food and Rural Affairs (DEFRA) have suggested that a period of 12-18 months would be needed to develop a local strategy, work with other East Midlands authorities suggests that a period of 2 years is more realistic to ensure effective community engagement. Our Preliminary Flood Risk Assessment is the starting point for the strategy, informed by the studies and modelling work for Loughborough and the Leicester Principal Urban Area
11. Joint work with other agencies in addressing flood risk is taking a number of forms:
12. The Flood Risk Management Board (FRMB) covering the County, City and Rutland, continues to provide overall direction and co-ordination, particularly with partners such as water companies and district councils. However, due to the secondment of the Director of Environment and Transport for part of the working week, the FRMB is now chaired by the Assistant Director (Highways).
13. The Resilience Partnership Team, jointly managed by the County and City Councils, provides emergency management resource for the County, City, Rutland, 5 of the 7 district councils and the Primary Care Trusts. It is fulfilling the vital role of raising awareness and encouraging individuals and communities to plan and prepare for flooding and other emergencies
14. The work on PFRAs included consideration of the parts of the County adjacent to the City. A number of these, notably much of Oadby and Wigston, are now included in the Leicester Principal Urban Area Indicative Flood Risk Area (IFRA) - one of 10 IFRAs nationally. We are working closely with Leicester City on their study and modelling work which will lead on to a surface water management plan for the area.
15. The Environment Agency is a key partner for flood risk management. Its representatives attend the FRMB, provide support and training and facilitate sub-regional meetings to share best practice.
16. As both local planning authorities and land drainage authorities, district councils are also key partners in managing flood risk. We continue to work with them strategically through the FRMB and locally on joint promotional work through the Local Resilience Forum and on individual projects such as

the work towards the Loughborough Surface Water Management Plan. In preparation for our forthcoming role of SUDs Approval Body, we are undertaking briefing sessions and providing training for district council staff.

### **Progress in other areas of flood risk management**

17. In order to work towards delivery of more environmentally sensitive solutions to the flooding issue, the County Council is also involved in an OnTrent partnership project with the Environment Agency and Natural England called Farming and Water for the Future. The central aim of the project is to help reduce flood risk to properties through innovative land use and land management change on agricultural land.
18. Schemes might include the re-profiling of rivers and drainage channels, restoring floodplain grassland and planting hedgerows and trees to slow run-off and trap sediment. The river catchments we are looking at in this pilot are to the south of Leicester with the aim of reducing flooding in settlements such as Broughton Astley and Whetstone.
19. Although this kind of work is still very much a pioneering one, the role that less engineered (and less costly) solutions can play in reducing flood risk is now becoming recognised more widely and similar projects are cropping up around the country. These solutions can also bring other benefits such as increased biodiversity, recreational value and soil conservation that might not come from traditional engineered options.
20. The project is joint-funded by the partner organisations, including a contribution of £9,020 from the County Council. The new Upper Soar Project Officer is based at County Hall.

### **Communication and engagement**

21. As part of the drive to improve awareness of the risk of flooding and what individuals, communities and businesses can do to plan and prepare, the County Council, in hand with the Local Resilience Forum, has undertaken a range of communication and engagement activities as explained in part (h) of Appendix 1.
22. As the first stage of the local Flood Risk Strategy, we have now started collecting information about local flooding issues. A new facility has been launched on the County Council website [www.leics.gov.uk/flooding](http://www.leics.gov.uk/flooding) which encourages people to provide information about flooding that they have experienced. This is being reinforced by briefings at Community Forums and will be followed up by a parish newsletter and publicity in local newsletters, libraries etc

## **Resources**

23. In recent years, funding for flood risk management has been made available from a number of sources:
24. RIEP funding – used in the context of the Local Resilience Forum – see Appendix 1. Funding ceased in September 2011
25. DEFRA grants – We received specific funding to:
  - 1) Develop our PFRA (now complete);
  - 2) Undertake modelling work leading to a surface water management plan for Loughborough (progressing well);
  - 3) Undertake a study and flood relief works in Swithland (Some works undertaken, scheme to be completed in 2012 following the renewal of the highway culvert)
26. County Council highways revenue budget - the schemes undertaken with this funding are listed in Appendix 2.
27. In December 2010, central government announced funding of £153,100 for 2011/12, rising to £304,500 for subsequent years to meet the cost of undertaking duties under the Flood and Water Management Act. This allocation, which is based on the length of watercourse in the County, is expected to cover the costs of meeting our responsibilities listed under paragraph 4 of this report, but not for the on-going cost of SUDs maintenance, nor for the costs of implementing flood relief works.
28. As part of the restructure of the Environment and Transport Department, there will be 2 posts dedicated to flood risk management – a Senior Engineer and an Assistant Engineer. This staffing resource will be supplemented by consultancy services for specialist aspects such as modelling work.
29. Work to address highway-related flooding remains a matter for the highways budget.
30. Funding for other flood relief measures is made available from 2 main sources:
31. DEFRA operate a Grant in Aid scheme providing capital funding based on the benefits delivered by a proposed scheme. This has recently been revised and now requires a benefit to cost ratio of more than 5 (e.g. a £100,000 scheme would need to deliver at least £500,000 worth of benefits)

to receive full funding. The fund is heavily over-subscribed at a national level, so local authorities, communities, developers etc are encouraged to raise contributions to supplement the DEFRA funding and bring schemes into the programme. Currently, a scheme with a benefit to cost ratio of 5 is unlikely to be programmed until 2018 at the earliest.

32. The other source of funding is through the Local Flood Levy. The Levy is raised from all upper tier authorities at a rate determined by the Regional Flood and Coastal Committee (RFCC). The County Council paid £253,000 into the fund for 2011/12. The RFCC approves the programme for Local Levy monies in January each year. It can decide whether to allocate funds to bring schemes forward or into the Grant in Aid programme or to use funds for other purposes. A recent meeting of the RFCC was minded to allocate funding to a flood protection scheme for Lubbesthorpe Brook in 2012/13. This will be decided in January 2012. Further support for Farming and Water for the Future is also anticipated from the Levy.

### **Recommendation**

33. The Commission is asked to note the progress on all aspects of work relating to flooding

### **Circulation under the Local Issues Alert Procedure**

None.

### **Background Papers**

None.

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### **List of Appendices**

Appendix 1 – Summary of Recommendations of the Scrutiny Review Panel on Flooding with notes on action taken in response

Appendix 2 – List of County Council funded flood schemes

### **Equal Opportunities Implications**

All parts of the community can be subject to the risk of flooding. Individual strategies, plans and schemes will include an Equalities Impact Assessment.