

SCRUTINY COMMISSION – 7 NOVEMBER 2012

FLOOD RISK MANAGEMENT UPDATE

REPORT OF THE DIRECTOR OF ENVIRONMENT & TRANSPORT

Purpose of Report

1. The purpose of this report is to advise members of developments that have taken place since the last update to the Commission in November 2011.

Policy Framework and Previous Decisions

2. At its meeting on 9th November 2011, the Commission received a report on the progress against the recommendation of the Scrutiny Review Panel on Flooding. Members supported the progress being made in all aspects relating to flooding and required a further update in due course on how the arrangements for managing flood risk are working in practice

Legislative Background

3. The Flood and Water Management Act 2010 established the County Council as Lead Local Flood Authority. This new role was 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
 - Regulation and enforcement of Ordinary Watercourses
 - The role of SUDs Approval Body – SAB (not yet applicable).

Progress against legislative requirements

4. Over the past 12 months, the following further work has been undertaken:
5. Investigation of flooding incidents – We have established procedures for collecting information about flooding events and undertaking investigation, having based our approach on best practice elsewhere.
6. Before the Flood and Water Management Act came in, no authority had overall responsibility for recording and investigation. Flooding issues were characterised by a lack of information and unwillingness by various public bodies to accept responsibility/liability. With the new responsibilities, County Council officers have been able to get parties together and promote joint approaches to solutions. It is early days, but initial indications are promising as is evidenced by the three case studies in Appendix A.
7. Ordinary Watercourses - On 6th April 2012, the County Council became responsible for granting consent for works affecting ordinary watercourses (i.e. all streams, brooks, ditches, piped systems etc that are not adopted and are not main rivers). This role is accompanied by enforcement powers which can be exercised against people who undertake work or fail to undertake maintenance resulting in an adverse impact on flow with implications for flood risk.
8. Local Flood Risk Management Strategy (LFRMS) – As LLFA, the County Council is required to develop a local flood risk management strategy for Leicestershire and to encourage engagement and involvement in its development.
9. The LFRMS will take full account of the national flood and coastal erosion risk management strategy for England which was published in September 2011 <http://www.environment-agency.gov.uk/research/policy/130073.aspx>
10. Comprehensive national guidance has been produced which explains what the LFRMS should contain. This is summarised in Appendix B to this paper.
11. Unlike other strategy documents, the LFRMS will be a combination of a strategy, plan and programme.
12. Work formally started on the LFRMS in May, but many of the building blocks are already in place: the Flood Risk Management Board is well established and the Preliminary Flood Risk Assessment (PFRA) has been published. The Environment Agency work on main river flooding, the

strategic assessments undertaken by district councils, governance and staff resources, are already in place.

13. The next phase of strategy development is to improve our information and understanding of local flooding issues and risk. This is being done through a communication and engagement plan aimed at raising awareness of flood risk (particularly from surface water), identifying local concerns and encouraging reporting of issues. It will also promote the use of Sustainable Drainage Systems (SuDS), build on the Local Resilience Forum's work and publicise changes in responsibility.
14. Work has continued on a Surface Water Management Plan for Loughborough. This builds on the Integrated Urban Drainage Model which has taken account of main rivers, adopted surface water sewers, highway drains and ordinary watercourses. The draft plan, which is due for completion by the end of the financial year, will identify and quantify the risks and propose mitigation measures.

Response to Flooding in Summer 2012

15. The Met Office report that nationally, summer 2012 (June, July and August) was the second wettest on record, following a record wet April, and the wettest April to June period since national records began in 1910. This followed the driest five months ever recorded in some parts of the country. England and Wales saw six significant flood events, and although these were characterised by a smaller number of properties flooded than in 2007 (2,500 compared with 55,000), a large number of communities were affected across a wide geographic area over a period of weeks – some more than once.
16. In Leicestershire, the most significant events were on 28th June and 6th-7th July.
17. In addition to the sites which are prone to river flooding from time to time, localised flooding occurred in places with no flooding history. Typically this was surface water flooding, caused by intense rainfall which exceeded the capacity of drainage systems. In places this was exacerbated by already saturated ground, lack of maintenance of watercourses and faster runoff due to increases in paved/surfaced areas.
18. Reports of flooding incidents were received by emergency services, county and district councils, water companies and the Environment Agency. Each responded according to its own areas of responsibility, jointly where appropriate. In extreme situations, the Local Resilience Forum provides a co-ordinating role.

19. As LLFA, the County Council has collated the reports of flooding from various sources and undertaken investigations where appropriate as referred to above. Results of the investigations are shared with the other flood risk management authorities (district councils, water companies and the Environment Agency) and published.
20. One recurring feature of reports from the public is blocked road gullies. In some cases the gullies were not blocked – it was simply that the amount of surface water exceeded the capacity of the drainage system resulting in water standing on or running down the road.

Gully cleansing

21. The gully emptying service is carried out by Leicestershire Highway Operations (LHO). The resources normally used to undertake the service comprise 4 gully emptiers carrying out routine cleansing operations on around 135,000 gullies over an 18-month cycle. This is supplemented by a reactive jetter that is deployed to respond to problem sites or incidents.
22. From June to mid-October, there were 1832 reported road flooding or blocked gully problems, many of which related to the same sites. The heavy rain during the summer had a bearing on this in that gullies were silting up as a consequence of washdown of soil from banks and the movement of detritus in road channels into the gullies.
23. Priority was given to those sites with road safety implications or with a risk of property flooding, but by mid-July there were 711 reports still to be followed up.
24. From mid-August, it was evident that the normal level of resources was being overwhelmed. The number of new problems being identified was exceeding those that were being resolved.
25. Therefore, additional resources in the form of 2 additional jettors were commissioned at that time to supplement the reactive jetter. This has allowed the 4 gully emptiers to continue with their routine service, avoiding compounding any future problems. To avoid these additional vehicles wasting time in driving to individual problems at multiple locations, individual work instructions are being aggregated on a locality basis. This is ensuring the maximisation of the output from these additional units.
26. As of 22nd October, the backlog had reduced to 479, and it is expected that the additional resources will be required for the remainder of the financial year. Consideration is being given towards working towards a 12-month cleansing cycle until better asset management data enables a less-intensive cleansing routine.

Sustainable Drainage Systems (SuDS)

27. Sustainable Drainage Systems (SuDS) manage rainwater to:

- Reduce damage from flooding
- Improve water quality
- Protect and improve the environment and amenity
- Protect health and safety

They mark a significant departure from the traditional approach of piping water from roofs and paved areas into adopted drainage systems. Techniques include rainwater harvesting, green roofs, pervious pavements, filter strips, swales, ponds, wetlands, detention basins and infiltration basins.

28. SuDS mimic natural drainage systems by dealing with water as close to source as possible and by the use of treatment trains comprising prevention, source control, site control and regional control

29. The section of the Flood and Water Management Act relating to SuDS is still not applicable and the results of the Government consultation process, which closed in March 2012, have not been published. This suggests that the new arrangements will not be introduced until October 2013.

30. Under the Act, the County Council becomes the SuDS Approval Body (SAB).

31. Any development which drains more than one property will need to have its drainage approved by the SAB. However the consultation proposed that only major developments (over 10 dwellings) will require SAB approval for the first 3 years following commencement of the SAB role.

32. This is a separate process to planning consent. The legislation states that construction cannot start unless the drainage system has been approved by the SAB (and the SAB will be bound absolutely by the national standards in this respect). This means that proposals that affect drainage but are not subject to planning permission will still require SuDS approval. This is a similar situation to building regulations.

33. The legislation requires us to consult water companies, the Environment Agency, British Waterways, Internal Drainage Boards and other highway authorities as appropriate. The nature of this will depend on the complexity of the SuDS proposed.

34. It is not anticipated that a separate group or body will be set up to act as the SAB. A large number of applications will be submitted and they will all

require a technical check against national standards (which include an affordability check). It is envisaged that the responsibilities of the SAB will be discharged under delegated powers similar to the way that the highway and transportation aspects of planning applications are dealt with.

35. The Act also makes the County Council responsible for the adoption and future maintenance of SuDS. The scale and cost of this will increase over time and the long term resourcing of this has yet to be addressed nationally.

36. In order to prepare fully for this significant new responsibility, a project manager has been appointed to:

- Identify the need for systems and protocols;
- Establish staffing needs for the SAB;
- Develop and introduce processes;
- Liaise with district councils to establish a common approach;
- Liaise with other authorities to investigate opportunities for joint working;
- Develop advice, guidance and standards for SuDS in Leicestershire;
- Staff recruitment, development and training;
- Establish recording systems;
- Financial modelling and systems;
- Publicity, engagement;
- Web content and online facilities;
- Commission maintenance;
- Enforcement.

Circulation under the Local Issues Alert Procedure

None

Background Papers

None

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List of Appendices

Appendix A - Flooding investigation case studies
Appendix B - Extract from guidance on Local Flood Risk Management Strategies

Equal Opportunities Implications

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