

Local Members Interest
N/A

Prosperous Overview and Scrutiny Committee - Monday 29 November 2021

Flood Risk Management Report 2021

Recommendations

It is recommended that the Prosperous Overview and Scrutiny committee consider and scrutinise:

- a. The council's Flood Risk Management Team's proposed workplan priorities for 21-22; and
- b. The proposed process and timescales for the Flood Risk Management strategy refresh.

Report of Cllr Simon Tagg, Cabinet Member for Environment, Infrastructure and Climate Change

Summary

What is the Overview and Scrutiny Committee being asked to do and why?

1. The FRM Strategy is due to be updated in 2022 and as such input from the Prosperous Overview and Scrutiny Committee is very much welcomed. The Business Plan priorities are also provided for 2021/22. It is recommended that the Select Committee reflect on the thresholds for Section 19 investigations and consider the roles of the County in relation to new connections made by developers into Water Company infrastructure.

Report

Background

2. The following briefings have been provided by Flood Risk Management:

- a. October 2017 – Briefing on Flood Risk management
- b. September 2020 – Briefing on Flood Risk Management
- c. May 2021 – Request for further Scrutiny of Flood Risk Management

3. Considerations of working with others that have arisen from these meeting and since are discussed in this report.

SCC Role as a Lead Local Flood Authority

4. Under the [Flood and Water Management Act 2010](#), County Councils and Unitary Authorities are designated as Lead Local Flood Authorities. The County Council is the strategic leader for flood risk management within Staffordshire and our responsibilities include:

- a. Developing a Local Flood Risk Management Strategy.
- b. Ensuring that all organisations involved in flood risk management are aware of their responsibilities.
- c. Monitoring progress and activity by all parties involved in flood risk management.
- d. Coordinating communication, both with the public and between organisations.
- e. Preparing reports and plans to meet the requirements of the Flood Risk Regulations 2009.
- f. Carrying out flood investigations where appropriate and publishing reports (Section 19 investigations).
- g. Keeping an asset register of structures and features which may have a significant effect on local flood risk.
- h. Designation of third-party assets where appropriate.
- i. Regulation of ordinary watercourses, including permissive powers to require landowners to maintain ordinary watercourses on their land / property.
- j. Providing technical advice to Local Planning Authorities on surface water drainage strategies for major developments.

5. We also have permissive powers which allow us to carry out works to manage flood risk from surface water and groundwater.

6. More information on our approach to managing flood risk can be found in our [Local Flood Risk Management Strategy](#).

7. Staffordshire county council's FRM team also has a commercial arrangement in place to provide expertise to Sandwell, Walsall and Wolverhampton Councils

Our Priorities

8. It should be noted that priorities may change mostly dependent on the scale and frequency of flooding. Since 2019, the Flood Risk Management Team (FRMT) received direct reports (for example by questionnaire return) of 333 internal properties flooded within Staffordshire. In addition, they have 220 properties flooded more than once on record. These numbers will be gross underestimates because these reflect only reported numbers rather than what has flooded. Without investigations it is inaccurate to estimate the likely number.
9. Under Section 19 of the Floods and Water Management Act, FRMT have a duty to investigate flooding. According to the Local Flood Risk Management Strategy (henceforth "Strategy"), the County will formally investigate flooding where either 5 or more residential properties flood internally in one location, two or more businesses flood in one location or one or more critical infrastructure floods in one location. Several notable events have occurred over Staffordshire and the Black Country from October 2019 to January 2021. The following internal property flooding numbers are reported as part of Section 19 investigations in Staffordshire which meet these criteria. These are based on what has been reported flooding following community engagement but again likely represents an underestimate of true numbers. Approximately 15 reports are expected to be published on these before the end of financial year. Please note this excludes locations where less than 5 properties flooded.
 - a. October 2019 – 65 Properties
 - b. February 2020 – 152 Properties
 - c. June 2020 - 34 Properties
10. Significant flooding was also observed in the Black Country. Please note that whilst a formal investigation may be undertaken for flooding below S.19 thresholds, informal flood investigations may still occur.
11. Since Autumn 2019 priorities have changed during and following lessons learned, and to reflect the growing need to simultaneously be in response and recovery mode. During this flooding period, priorities have been to ensure statutory duties are met. Appendix 1 provides the list of priorities for the current financial year 21/22.

An Outline of the Strategy Refresh Timescales/Process

12. The Local Flood Risk Management Strategy (LFRMS, December 2015) was planned to be updated in 2020. However, several factors, including delay to the Environment Agency National Strategy and associated guidance, means this will now be published later than planned. Updated ambitious Flood Risk Management Plans for Staffordshire are also attached in Appendix 2.
13. The next Strategy is envisaged to be published in 2022. Please note that the partnership no longer exists between Staffordshire and Shropshire (mostly because of different catchments) and so whilst the two councils will continue to work closely together the respective strategies will be published separately.
14. Work towards the Strategy has started. Some consultancy work is expected to start early 2022 with PSOSC, member and other key stakeholder involvement in the Spring 2022. A draft strategy is then envisaged for Autumn 2022 with Key decision sign-off from Cabinet and publication for Winter 2022.

Flood and Coastal Resilience Innovation Bid

15. During 2020 Staffordshire County Council made a successful bid for national resilience innovation funding and secured c.£6M over 6 years for a programme of work to help bring about general and targeted improvement in community resilience through innovation. Staffordshire was the only successful bid in the Trent Regional Flood and Coastal Committee. More details are available here:
 - a. [Flood and coastal resilience innovation programme - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/flood-and-coastal-resilience-innovation-programme)
16. The FRMT is leading the programme, with partner support from Stoke-on-Trent City Council and the Black Country Local Authorities.
17. The title of the work programme is a FAIR Approach to Community Flood Risk (FAIR stands for flood: aware, informed, resilient). Key deliverables include: better communication on all sources of flood risk; trialling of warning for surface water flooding; better understanding of those at flood risk and community flood action plans with small-scale infrastructure for communities most at flood risk. It aims to put communities as key decision-making partners with active engagement to bring about sustainable solutions with communities owning their flood risk and without creating dependencies.

Considerations of our role working with others

18. There are various flood risk management authorities with different remits. Roles and Responsibilities are summarised in the Strategy. Because of this and that flooding is a naturally geographic phenomenon, partnership working is paramount. Below are pertinent examples with strengths, challenges and suggestions for possible improvements.
19. Flood defence schemes are primarily funded from Central Government Grants and Local Levy grants, which are administered by the Environment Agency. Section 19 flood investigation reports will be published this financial year by FRMT and include actions for relevant risk management authorities, including in some cases promotion of schemes. Remedial plans have been agreed in most cases and will vary in impact. In most cases, reducing flood risk significantly will require a promotion for flood defence schemes and this will be pursued where feasible. Appendix 1 contains a list of current and proposed schemes.
20. Communities have posed the idea that the thresholds are lowered to account for repeat flooding. If the threshold of a S.19 investigation were lowered to include less than 5 properties (i.e. any number of properties flooding internally more than once in a 5-year period) this would have a resource implication, likely equivalent to 1 x FTE but will require a more detailed analysis.
21. Water Companies are regulated generally by OFWAT and in the case of pollution episodes, by the Environment Agency. They have a duty under section 94 Water Industry Act 1991 to ensure that the area they serve is "effectually drained". SCC will, however, work with these bodies to understand implications on flooding, especially if in relation to a S.19 investigation.
22. Developers have a right to connect into existing sewers to dispose of surface water and wastewater and Water Companies are not statutory consultees in the planning process. FRMT are a statutory consultee on all major planning applications and part of this role is to ensure no increased flood risk to any third party taking into consideration where surface water is going and at what rate. Water Companies are currently developing Drainage and Wastewater Management Plans to ensure future sustainable drainage infrastructure and the County is being appraised of progress. Water companies are regulated by OFWAT and the Environment Agency. FRMT continue to work with Water Companies and Local Planning Authorities in relation to strategic planning and flood investigations and, where necessary, ask relevant Water Companies to review the capacity of their network. Whilst regulation is not the task of the County, it is recommended lobbying and questioning continues to

ensure due analysis of capacity when allowing new development connections into existing sewer infrastructure.

23. Assessments have been made of the flood risk to highways in terms of the safety to road users and the risk to property. Highways have accordingly reassessed the priorities for gully cleansing. A further review of the gully cleansing programme is currently underway. The Strategy update (2022) will include lessons learned from previous flooding and experience learned over the preceding period.

Link to Strategic Plan

Staffordshire Local Flood Risk Management Strategy:

[Local Flood Risk Management Strategy - Staffordshire County Council](#)

Link to Other Overview and Scrutiny Activity

Community Impact

A Community Impact Assessment will likely be required for the upcoming Local Flood Risk Management Strategy Update.

List of Background Documents/Appendices:

Appendix 1: Flood Risk Management Priorities

Appendix 2: Flood Risk Management Plan Actions

Contact Details

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