

Local Members' Interest

All

Prosperous Staffordshire Select Committee – 10th October 2017

Update on Flood Risk Management

Recommendations

That the Select Committee:

1. Notes progress with regard to the County Council's responsibilities as Lead Local Flood Authority (LLFA) for Staffordshire.
2. Notes the new collaborative working arrangements for providing flood risk management services to Walsall, Sandwell and Wolverhampton Councils.
3. Notes progress on local flood alleviation schemes, the challenges that the national Partnership Funding system presents for small schemes and supports a call for government to simplify the process for funding local flood alleviation works.
4. Receives an update on preparation for a severe flood event as discussed at the Prosperous Staffordshire Select Committee in May 2016.

Report of Cllr Mark Deaville, Cabinet Member for Commercial

Summary

5. The Select Committee is being asked to note progress being made on flood risk management responsibilities, including our work in partnership with other local authorities, work with Local Planning Authorities to promote sustainable development, Flood Alleviation Schemes and work with emergency planners to prepare for a severe flood event.
6. Previous papers at the Select Committee have provided an all-round update on the service. As the service has now been established for over five years, this paper seeks to explore the key issues and challenges for SCC. The focus of the Flood Risk Management Team is on internal property flooding, over the doorstep level of a property.

Report

Background

7. Following the severe flooding during the summer of 2007 and a number of legislative changes, the County Council became a Lead Local Flood Authority (LLFA), with various powers and statutory duties to manage and co-ordinate local

flood risk management activities. Local flood risk means flooding from surface water (overland runoff), groundwater and smaller watercourses (known as Ordinary Watercourses). The County Council does this by working together with other organisations including the Environment Agency, which manages flooding from generally larger rivers (known as Main Rivers, such as the River Trent); the Sow and Penk Internal Drainage Board (IDB) managing low lying areas around Stafford; District, Borough, Parish and Town Councils and infrastructure / utility providers, such as Severn Trent Water, United Utilities and Highways England.

8. There are both strategic and operational elements to the role of LLFA. Strategically, the Council need to develop, maintain, apply and monitor a Local Flood Risk Management Strategy. Operationally, the County Council investigates flooding incidents, holds a flood risk management asset database and has powers to designate third party assets where they have an impact on flood risk. The County Council also regulates land drainage activities, including consenting to works and enforcement on Ordinary Watercourses outside of the Sow and Penk IDB area. Additionally, in 2015, the LLFA became a statutory consultee for major planning applications for sustainable drainage designs.

Key updates on flood risk management service delivery

New collaborative working arrangements

9. In April 2017, SCC entered into Service Level Agreements with Walsall Council, the City of Wolverhampton Council and Sandwell Councils to provide flood risk management services on their behalf. This will generate an income of around £0.5m over the next three years. To provide these services, the Flood Risk Management Team restructured and increased its capacity by 2.2 FTEs. The Business Case put forward has allowed the Flood Risk Management team to offer a £30k/ year saving in revenue budget for the next three years.

Flood investigation

10. SCC has a duty to investigate flooding incidents and formal flood reports are prepared when five or more properties in a locality have been affected by internal flooding.
11. Between the 8th and the 17th of June 2016, the weather was characterised by warm, humid conditions with sporadic thunderstorms that flooded around 30 properties. The areas worst affected were to the south and west of Leek, Cannock and areas adjoining the Black Country in the south.
12. Following the flooding, LLFA Officers liaised with members of the public, Councillors and partner organisations to understand more about what happened and what actions could be put in place to reduce the chance of a repeat event. A formal flood report has been produced and published online that contains high level information on the areas affected and an action plan.

Progress and challenges delivering local flood alleviation schemes

13. Local flood alleviation schemes are primarily funded by national Flood Defence Grant in Aid that SCC can bid for. The process of allocating and accessing this funding is incredibly complex. The amount of funding allocated rarely covers the full cost of a scheme as it is mainly based on the number of houses protected rather than the scheme cost. This naturally favours larger river and coastal schemes delivered by the Environment Agency because they protect more properties in the same location. Local flood schemes by contrast tend to be aimed at resolving flooding to a smaller number of properties dispersed across a wider area, but where there are complex and frequent flooding issues.
14. To top up funding so a scheme can proceed, SCC need to seek contributions from regional flood alleviation funds, local authorities, other flood management partners, other funding streams such as environmental projects and the businesses and communities that are at risk of flooding. This system is known as 'Partnership Funding'. Experience to date is that additional funding is challenging to find for small projects. SCC have had some success securing regional flood alleviation funds, known as Local Levy, but this fund is now limited and fully allocated within the River Trent catchment until 2021.
15. SCC has no specific capital fund for flood alleviation work. Capital funding in SCC is dealt with corporately, therefore any capital required will be considered against other requests for funding from highways, transport, economic regeneration, schools etc. often making it challenging to secure SCC capital funds. However, as the Flood Risk Management Team now sits in the Highways Department we will be assessing how capital funding for flooding fits within the wider highways capital budget.
16. The Partnership Funding system is very complex and officers are required to report in detail on each and every scheme on a monthly basis to the Environment Agency as well as using SCC systems. This takes up a disproportionate amount of Officer time.
17. SCC have been successful in bidding for over £2.7m of external flood alleviation monies between 2015 and 2021. Since 2010 over £0.5m of external funding has been used to deliver schemes in Elford, Kinver, Moreton, Codsall, Bilbrook, Stone, Leekbrook and Lower Tean. A variety of approaches are being taken, depending on the circumstances, including Property Level Resilience, culvert works, diversion work and upstream natural flood management. Schemes are currently being developed for Kidsgrove, Marchington, Rolleston, Barton-under-Needwood, Essington, Huntington, Perton, Endon, Shenstone, Kinver, Great Wyrley, Wheaton Aston, Hatherton, Bilbrook, Clifton Campville, Harlaston and Wimblebury. We are exploring the feasibility of future schemes for Bishops Wood, Uttoxeter, Upper Tean, Fole and Oakamoor.
18. Flooding rarely comes from one source and we have been working with partner organisations to deliver schemes both led by ourselves and others. For example, we have supported the Environment Agency to deliver a scheme for the Rising Brook in Rugeley, which was successful in securing Stoke and Staffordshire Local

Enterprise Partnership funding. We have also worked with Severn Trent Water at Codsall on a scheme that manages both sewer and surface water flood risk.

19. The area at highest risk of flooding in the County is Burton-on-Trent, with an estimated 7,300 properties at risk of flooding from the River Trent and over 1,000 at risk of surface water flooding. We are working in partnership with the Environment Agency and Severn Trent Water on a long term strategy for flood risk management for the town, with over £15m allocated nationally to upgrade the flood defences, as well as plans to rationalise maintenance responsibilities for small watercourses and land drainage improvements.
20. In addition, a project has also started for Burton, Tamworth and Fazeley to raise awareness of the risk of flooding behind flood defences and simple actions people can take should the worst happen and those defences become overtopped or fail. This is in light of the severe flooding experienced in Cumbria and York and aims to make our communities more aware of and resilient to such flooding.
21. The County Council is also opening a bidding scheme for communities to deliver Small Scale Flood Alleviation Projects within Staffordshire for 2017/2018. Applications can be made for up to £5,000 per location to be used for works, studies or projects that will mitigate known flood risk in an area. The grant is available to Town Councils, Borough and District Councils, Parish Councils, Community Groups and Flood Action Groups. Applications forms must be submitted by 30th November 2017. The vast majority of these grants will be externally funded through Local Levy.

Land drainage work

22. In Staffordshire, there is watercourse network of nearly 5,000km. Around 600km of this is regulated by the Environment Agency, 175km by the Sow and Penk IDB and 4,000km by SCC. Our regulatory role includes consenting works that are likely to affect flows in an Ordinary Watercourse and enforcement to rectify unlawful and damaging or potentially damaging work that could cause flooding. Legally, a landowner is responsible for a watercourse passing through or under their land and this is known as 'Riparian' ownership.
23. In the County there are nearly 8,000 culverts – pipes that take watercourses under roads or property. There are nearly 300km of culverted watercourses and the exact location and condition of much of the network is unknown. This is due in part to the rapid expansion of many of our urban areas during the industrial revolution and the gradual ad hoc covering of watercourses in rural areas where historically they had formed the village sewer.
24. As a result many of the culverted watercourses are problematic. There is limited knowledge of these by landowners, many of whom may not have the means to carry out maintenance or repair, for example, due to lack of access or where long culverts pass under land owned by a number of different people. A lack of regular maintenance coupled with the age of many of the assets (in many cases over 100 years) means that the culvert network is vulnerable to blockage and failure. There

are instances of this happening locally – for example in 2008 the Rising Brook culvert collapsed under Brook Square in Rugeley town centre.

25. The County Council has a very limited fund for land drainage investigations and no provision for improvements as the vast majority of the flood risk management revenue budget covers staff costs. A budget pressure of £100k/ year for such improvements is being proposed through the MTFS process.

Statutory consultee for planning applications

26. For many years, the County Council had been expecting to become a Sustainable Drainage Systems (SUDS) Approving Body and would have been responsible for approving, adopting and maintaining SUDS on new developments. The purpose of SUDS is to mimic natural drainage, significantly reduce surface water runoff and improve water quality. Typical SUDS measures include rainwater harvesting, permeable paving, swales, ponds and landscaped attenuation areas that only hold water after rainfall.
27. Implementation of this legislation was delayed indefinitely and is now unlikely to come forward. Instead, in April 2015 the LLFA became a statutory consultee to the planning process. When considering planning applications for major developments, Local Planning Authorities (LPAs) must consult the County Council on the management of surface water. LPAs need to ensure that, through the use of planning conditions or planning obligations, there are clear arrangements in place for the lifetime maintenance of SUDS.
28. As LLFA we provide technical advice on the surface water drainage strategies and designs put forward for new developments. Our role is to check that these are in line with relevant SUDS standards and guidance and that the new development will not increase flood risk either off site or to future users of the development.
29. In 2016/17 we responded to 520 major planning applications within Staffordshire and 375 non major planning applications. Whilst we are not under a statutory duty to respond to non major applications, we have developed a risk based system for LPAs to send us the applications at highest risk of localised flooding. Preventing properties being built in high flood risk areas will always be the most effective form of flood risk management. For example, the Environment Agency estimate that for every £1 spent influencing planning applications, there are £10 of flood damages avoided.
30. We have also worked with seven other West Midlands LLFAs, LPAs, Water Companies and the Environment Agency to produce a SUDS Handbook for developers and LPAs to supplement national guidance. This sets out the planning process locally, local SUDS design guidance and SUDS Standards and sets out the LLFA requirements for Drainage Strategies supporting major developments. This was publically consulted on in 2016 and no major changes were required. The final SUDS Handbook has been published on the County Council website and we are working with LPAs to write the local SUDS standards into local planning policy.

31. The change of approach nationally from a SUDS adopting authority to one that works via planning approvals means that the ongoing adoption and maintenance of SUDS is still unresolved nationally. No one authority or company has responsibility and on a site by site basis developers have to come up with local solutions. There is a strong possibility that some of the private maintenance arrangements being put in place will not maintain SUDS as private maintenance companies often fail. LPAs have limited resources for planning enforcement and are likely to seek support from the LLFA. Pressure could then be put on the County Council to resolve the issues to prevent flooding from occurring.

Preparedness for a severe flood event

32. In May 2016, a paper was taken to the Select Committee that explored how prepared SCC is for a severe flood event similar to those experienced in December 2015 in Cumbria, Lancashire and York. It explored our role as Lead Local Flood Authority, Highways Authority and Category 1 Emergency Responder and how likely the County Council would be to cope in such severe circumstances, highlighting the issues likely to occur.

33. It sought approval from Members for the next steps to improve preparedness for a severe flood event. The table below provides an update on the actions from the paper.

<p>A A County Council-wide flood exercise based on the scenario of the Burton-on-Trent flood defences overtopping later in 2016/17 to test preparedness, Exercise Heron is being run by SCC and East Staffordshire Borough Council on the 6th February 2018 as part of a wider regional flood exercise simulating an extreme flood throughout the Trent catchment. It is at the planning stage and will exercise the operational response of services from across the County Council, Borough Council and strategic delivery partners, such as Amey, Entrust and social care providers. A post exercise report will be written and the outcomes will be used to improve our preparedness for an extreme flood.</p>
<p>B Supporting the Environment Agency to produce Incident Response Plans for key defended areas that make clear the roles and responsibilities of the different organisations. We are working with the Environment Agency to create locally specific Operational Flood Response Plans that clarify roles and responsibilities related to a flood defence in an emergency.</p>
<p>C Identifying the critical road network to ensure it is as resilient as practical to extreme weather conditions, and D Taking forward a new gulley emptying cycle that takes a risk based approach The Flood Risk Management Team have supported SCC Highways with this work by providing data and information and feeding into asset lifecycle plans</p>
<p>E Working with the Environment Agency, District and Borough Councils and Water Companies on a rolling six year programme of new or improved flood alleviation schemes. An update on this work is covered above.</p>

F Working with the National Flood Forum, an Independent Charity, to work with communities and local businesses to raise awareness of the risk of flooding and increase community resilience,

The National Flood Forum have worked with communities in Bishops Wood, Rolleston-on-Dove, Bilbrook and Codsall, Endon and Eccleshall to set up local Flood/ Drainage Action Groups. Such groups work in partnership with the relevant agencies to collectively discuss flood alleviation issues and hold rolling action plans for flood alleviation work.

SCC and emergency response partners have also worked with the existing Marchington Flood Action Group to develop a community road closure scheme. This will allow the community to legally close the road on behalf of SCC when the Marchington Brook floods, preventing vehicles driving through floodwaters and sending bow waves of water into properties.

G Implementing the recommendations locally of the National Flood Resilience Review that is due to report in November 2016.

Work is being undertaken by the Staffordshire Local Resilience Forum Flood Working Group to take these forward and in particular a change of focus for Multi Agency Flood Plans to plan more specifically for the highest flood risk areas (which in Staffordshire for river flooding are Burton, Tamworth and Fazeley).

34. The May 2016 paper also recommended that a Staffordshire Flood Summit was held. The Flood Summit has not yet progressed as priority has been placed instead on working with Risk Management Authority partners including the Districts and Boroughs, Environment Agency, Severn Trent Water, United Utilities and Sow and Penk Internal Drainage Board to establish the Staffordshire Flood Network. As Members will be invited to this summit, it has also been delayed until after the May 2017 elections. The Flood Risk Management Team plan to now work with the Staffordshire Flood Network to establish how such as forum could proceed.

Conclusion

35. The authority has made considerable progress implementing the responsibilities as Lead Local Flood Authority to the extent that it has now been able to sell these services to others and generate an income and cost saving in the process.
36. Notable challenges nationally for LLFAs include the lack of clarity from central government over who should adopt and maintain Sustainable Drainage Systems on new developments and an overly complicated system for obtaining capital flood alleviation funds. The national funding system would benefit from being simplified with funding devolved to a local level.
37. There are no legal implications of the recommendations as essentially the report describes how we are fulfilling our legal requirements to plan for and respond to flooding under various different pieces of legislation (The Highways Act 1980; The Civil Contingencies Act 2004 and the Flood and Water Management Act 2010).

Link to Strategic Plan

The people of Staffordshire will:

- Be able to access more good jobs and feel the benefits of economic growth, and
- Feel safer, happier and more supported in and by their community.

Flood Risk Management supports this by developing strategies and actions at a County and community level to reduce the risk of flooding for Staffordshire residents.

Link to Other Overview and Scrutiny Activity

Prosperous Staffordshire Select Committee, 16th May 2016, Flood Risk Management

Cabinet, 21st October 2015, Sign off of the Local Flood Risk Management Strategy

Prosperous Staffordshire Select Committee, 18th December 2014, Flood Risk Management update

Community Impact – A Community Impact Assessment is not relevant to this paper. One was completed for the Cabinet sign off of the Local Flood Risk Management Strategy in October 2015.

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Appendices/Background papers:

Appendix A – Schedule of Flood Risk Management (FRM) Priorities for 2017/18

Flood and Water Management Act 2010

Staffordshire Local Flood Risk Management Strategy 2015

Staffordshire SUDS Handbook 2017

June 2016 Flood Investigation