

REPORT OF SERVICE DIRECTOR, HIGHWAYS

FLOOD RISK MANAGEMENT UPDATE APRIL 2014

Purpose of the Report

1. To provide an update on the latest position in relation to the Council's duties and responsibilities under the Flood Risk Regulations (2009) and the Flood and Water Management Act 2010.
2. To seek approval from the committee to bids for Flood and Coastal Risk Management Grant in Aid from central government.
3. To provide an update on flood investigations relating to flooding which occurred in 2012 and July 2013.

Information and Advice

4. Following the severe flooding during the summer of 2007, the government commissioned an independent review (the 'Pitt Review') which in 2008 recommended that local authorities should lead on the management of local flood risk, working in partnership with other organisations. Two key pieces of legislation have brought this forward; the Flood Risk Regulations (2009) which transpose the EU Floods Directive into UK Law and the Flood and Water Management Act (2010).
5. The Council is now a Lead Local Flood Authority (LLFA) and has new powers and statutory duties to manage and co-ordinate local flood risk management activities. The County Council does this by working together with other organisations including the Environment Agency, who manage flooding from generally larger rivers (known as Main Rivers, such as the River Trent), Internal Drainage Boards managing low lying areas, District, Borough, Parish and Town Councils and infrastructure / utility providers, such as Severn Trent Water and the Highways Agency. Partnership work is overseen by a joint Strategic Flood Risk Management Board with Nottingham City Council that meets every six months.
6. Local flood risk means flooding from surface water (overland runoff), groundwater and smaller watercourses (known as Ordinary Watercourses).

General update

7. A motion on flood risk management was discussed and approved at Full Council on the 27th of March 2014. This covered a call for the Environment Agency to continue maintenance of Main Rivers, congratulations for public bodies who are supporting local voluntary organisations, support for the fast-tracked implementation of Sustainable Urban Drainage Systems legislation, a call for the Local Flood Risk Management Strategy to consider extending the operational area of Internal Drainage Boards, continued work with Local Planning Authorities and a recognition of the proactive approach taken by the Council in its role as the Lead Local Flood Authority.
8. There are both strategic and operational elements to the role of Lead Local Flood Authority.
9. Strategically, the Council is developing a Local Flood Risk Management Strategy, which is due for consultation later in 2014.
10. Operationally, the Council investigates flooding incidents and is developing a flood risk management asset database. Additionally the Council also undertakes various land drainage activities, including consenting to works and enforcement on Ordinary Watercourses outside of Internal Drainage Board areas.
11. The County Council has a duty to investigate flooding incidents, where it deems it to be 'necessary or appropriate' and determine which organisation(s) have roles and responsibilities. The Flood and Water Management Act does not give the Council responsibility for taking action to prevent flooding happening again and therefore managing expectations is a key element of how this is taken forward.
12. At Transport and Highways Committee on 31 Oct 2013 it was approved that formal flood investigations are undertaken where the County Council is aware that five or more properties in a locality have been affected by internal flooding (over the threshold [doorstep level] of the property).
13. The County Council currently invests £600,000 a year on flood risk management schemes to protect communities and has successfully carried out a number of schemes throughout the County, often in partnership with other organisations, with an emphasis on a 'partnership funding' approach. For example the County Council has recently worked in partnership with Bassetlaw District Council to reduce the risk of flooding in East Markham and North Wheatley and there are ongoing schemes in Walkeringham, working with Bassetlaw District Council and Egmanton, working with the Trent Valley Internal Drainage Board.
14. Once commenced, Schedule 3 of the Flood and Water Management Act will establish the Council as a Sustainable Drainage Systems Approving Body (SAB). The purpose of Sustainable Drainage Systems (SUDS) is to mimic natural drainage, significantly reduce surface water runoff and improve water quality. The SAB will be responsible for approving drainage systems in new developments and redevelopments before construction can start (in line with National Standards) and for adopting and maintaining SUDS. The right to connect surface water to the public sewer network will be conditional on SAB approval. Defra are taking

forward funding for long-term maintenance based on surface water charges to the users of a development.

15. The Council has been actively engaging with Local Planning Authorities to understand the implications of the forthcoming legislation and the procedures and resources that will need to be put in place. The latest indication is that this will take place in October 2014, but the exact form this will take is unknown at this time and a report will be brought to Transport and Highways Committee when there is greater certainty. At the same time it appears that the Environment Agency will stop commenting on surface water flooding issues related to new development (the EA will still comment on Main River flooding issues) and Local Planning Authorities will be expecting that the Lead Local Flood Authority provides a local flood risk planning advisory service.

National flood risk management update and Grant in Aid

16. From December 2013 to February 2014 there was significant flooding in Southern England and also from an East Coast Tidal Surge, but there was no significant flooding in Nottinghamshire. The most recent large scale event in Nottinghamshire was on the 23rd of July 2013, when around 600 properties are estimated to have been affected by internal flooding.
17. As a result Central Government has offered various financial grants and rate relief to properties in areas affected by this flooding, but Nottinghamshire as with many local authorities, is excluded from these grants. The residents in Nottinghamshire who were affected by the serious flooding in July 2013 are therefore at a disadvantage to those affected by flooding later in the year in other parts of the country. Cllr Calvert as Vice Chair has written to the Defra minister asking that government support be extended to include all areas affected by flooding in the current financial year. A response was received from Brandon Lewis MP that the scheme would not be extended and only relates to those areas affected by flooding in winter 2013/14.
18. Central Government's funding mechanism for flood risk management schemes is called Flood and Coastal Risk Management Grant in Aid (GiA) (sometimes called Flood Defence Grant in Aid (FDGiA)). Since 2011 GiA has operated on a 'Partnership Funding' basis. The amount of central funding that a scheme attracts is based on the benefits of a scheme (principally in terms of residential properties protected) and the amount of funding secured from 'other' sources, including public and private funds and regional funding known as Local Levy.
19. Flood Risk Management Authorities (RMAs), including Nottinghamshire County Council, can submit bids for GiA. Traditionally, the Environment Agency has invited bids on an annual basis each June / July. This year, a six year programme of bids is required and the submission date was moved forward to the 21st of March. This change was in response to the flooding of recent months and Defra's desire to develop a more robust Medium Term Plan (MTP) of investment. The

tight deadlines mean that draft bids have been made in advance of committee approval following consultation with the Chair and Vice Chair. Schemes are approved by the River Trent Regional Flood and Coastal Committee (RFCC). The Vice Chair represents Nottinghamshire on the River Trent RFCC.

20. The government's approach to Partnership Funding means that the more external funds that can be found, the better a scheme 'scores' and the more likely it is to be delivered and prioritised against other schemes nationally. Officers have liaised intensively with relevant District Councils, Severn Trent Water, the Environment Agency, local communities and Trent Valley Internal Drainage Board to pull together a programme of schemes for the County and obtain an initial 'in principle' contribution where suitable. The potential Nottinghamshire County Council financial contributions to any of the schemes that are bid for will come from the flood risk management capital programme (£600k per annum). This includes contributions toward schemes led by other RMAs. Submitting GiA bids does not commit the County Council to making any funding contributions and should be seen as the first step in securing national funding.
21. Appendix 1 contains information on schemes with an agreed NCC contribution (Table 1), schemes for which approval of the NCC contribution is sought (Table 2) and longer term schemes (Table 3).
22. It is possible that the River Trent RFCC may choose to allocate regional Local Levy funding to schemes submitted in Nottinghamshire. The allocation of the Local Levy increases the Partnership Funding 'score' of a scheme and national priority. Local Levy is funded by an annual levy on upper tier local authorities. In 2013/14 the County Council contributed £273,000.
23. It is important to note that bids made by the County Council can only be considered as indicative at this time, with the intention that Hucknall and Southwell will then appear in the national programme of schemes in Years 1-6 (2015-2021). It is the intention that the proposals, costs and contribution levels will be refined in future using the results of the ongoing flood studies once available.
24. The proposed schemes will be profiled across the six year period to ensure that the programme is deliverable from a resource and funding point of view and tie into other relevant opportunities such as the Hucknall Town Centre Improvement Scheme.
25. The bids above are only a small part of a wider range of flood risk management actions and schemes being taken forward across the County. It is the intention that the Local Flood Risk Management Strategy, due for consultation later in 2014, will bring all the actions and schemes together in one place, including those that may be funded through means other than GiA. The Strategy will pick up flood risk locations across the County, prioritise these and put forward appropriate actions, which will include Surface Water Management Plans (SWMPs) for high risk locations with complex flood risk issues. Longer-term schemes will be developed as a result of SWMPs. For areas where the risk is lower, working with communities to improve resilience will be critical.

Update on Flood Investigations

26. Hucknall: to inform the flood investigation the County Council has commissioned a flood study that is being undertaken in partnership with the Environment Agency, Severn Trent Water and Ashfield District Council. The study aims to give an insight into the impact and possible causes of the flooding, how often it is likely to occur and any feasible solutions to reduce the risk of flooding in the future.
27. It was hoped that the flood study would be finalised by April 2014, however the data collection and verification of the existing drainage network (including an analysis of the sewer network) has taken longer than anticipated and it is now expected that the study will be completed later in 2014. The extension to the timescales for the flood study has not affected the ability to make bids for national and regional flood alleviation monies. The extra work being done in extending the study will ensure that there is a comprehensive hydraulic model available on which to base options for flood risk management schemes.
28. Southwell: to inform the flood investigation a flood study, known as the 'Southwell Flood Mitigation Plan' is being undertaken in partnership with the Environment Agency, Severn Trent Water, Newark and Sherwood District Council, Southwell Town Council, Southwell Flood Forum and Trent Valley Internal Drainage Board. The aims of the study are:
- To work together to increase the understanding of sources of flooding in Southwell, how often flooding is likely to occur, what it will affect and feasible solutions to reduce the risk of flooding from all sources of flooding
 - To develop a Flood Mitigation Plan shared and agreed by the project partners and through engagement with the local community that will bring together information on flood risks, an assessment of flood mitigation options and an action plan setting out how feasible flood mitigation options will be implemented
29. Consultants are undertaking the technical elements of the study and the Flood Mitigation Plan is expected to be completed in the summer.
30. Thurgarton: to inform the flood investigation the IDB commissioned an initial data collection and analysis study. This has now been completed and is feeding into the draft Flood Investigation Report and further technical study work programmed for 2014/15. The technical study work will revisit and revise previous technical flood modelling work and put forward a preferred option for the village that will be used to refine the bid for funding made by the Trent Valley IDB.
31. Lowdham: the Environment Agency are completing technical flood study work to reassess the risk of flooding from the Cocker Beck and are putting forward a bid for a future scheme. Joint work to explore surface water flooding issues alongside the Cocker Beck is needed to refine the scheme to be taken forward in the village.

32. Calverton: the County Council have been working with landowners and Severn Trent Water to investigate flooding issues in Calverton. Following on from the results of this further actions will be defined between relevant organisations.
33. East Bridgford: Initial investigations have suggested that there may be issues with the capacity and condition of the sewer system in the village and this is currently being investigated by Severn Trent Water. Following on from the results of this further actions will be defined between relevant organisations.
34. Arnold, Carlton, Gedling, Mapperley, Eastwood, Kimberley, Newthorpe and Nuthall: Severn Trent Water are carrying out investigations regarding sewer condition. Following on from the results of this further actions will be defined between relevant organisations.
35. Cropwell Butler: A comprehensive study is being taken forward at present in partnership with relevant organisations. In addition, Severn Trent Water are due to carry out further survey work on their surface water sewers in the village to feed into the study.

Conclusions

36. Flood investigations following floods in 2012 and 2013 are ongoing in a number of locations. The purpose of the investigations is to identify those Risk Management Authorities who are best placed to resolve flooding issues at a particular location and to try and develop schemes in partnership to reduce flood risk to affected communities where these can be proved to be a feasible solution. This will often involve a partnership funding approach.
37. Draft bids have been submitted to the Environment Agency for Southwell and Hucknall.
38. The County Council have also identified locations where making a contribution towards schemes lead by other Risk Management Authorities would help such schemes to be delivered as part of a 'partnership funding' approach.
39. It is suggested that a further progress report is brought to this committee in 6 months to update the findings from the investigations listed together with information on schemes that are developed where these have been proved to be feasible.
40. It is suggested that the Committee is also updated once the final six year programme of schemes is announced nationally in December.

Statutory and Policy Implications

41. The County Council has a number of new statutory duties and powers under the Flood and Water Management Act (2010) and Flood Risk Regulations (2009).

Flooding investigations are legally required under the Flood and Water Management Act.

42. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

43. The costs of these studies and contributions to flood risk management schemes will be contained within existing budgets.
44. The County Council has been awarded a one-off grant of £223k by Defra towards the costs of setting up a Sustainable Drainage Systems Approving Body.

RECOMMENDATION/S

It is RECOMMENDED that the Committee note the update on flood risk management and approve the bids for Flood and Coastal Risk Management Grant in Aid from central government.

Andrew Warrington
Service Director Highways

For any enquiries about this report please contact:

Gary Wood – Group Manager Tel 0115 9774270

Andy Wallace – Flood Risk Manager Tel: 0115 977 4590

Constitutional Comments (SHB.26.03.14)

Committee have power to decide the Recommendation.

Financial Comments (TMR 26/03/2014)

The financial implications are set out in paragraphs 43 and 44 of the report.

Background Papers

Appendix 1: Tables of flood alleviation schemes

Letter from Defra regarding Sustainable Drainage Systems Approving Body set up grants.

Electoral Division(s) and Member(s) Affected: All

Table 1 Ongoing schemes

Lead RMA	District	Location	About	Properties protected	Bid costs	Agreed NCC contribution	Other funders
BDC	Bassetlaw	Walkeringham	Flood relief channel to alleviate watercourse flooding	45	£598k	£50k	Grant in Aid BDC Local Levy A1 Homes
TVIDB	Newark and Sherwood	Egmanton	Channel improvements	45	£135k	£40k	TVIDB Parish meeting Local Levy

Table 2 Schemes in Years 1 to 6 (2015-2021)

Lead RMA	District	Location	About	Properties protected	Bid costs	Potential NCC contribution	Other potential funders*
NCC	Newark and Sherwood	Southwell	Scheme to manage flooding from the Potwell Dyke, Halam Hill watercourse and surface water	236	£1,875k	£600k	Grant in Aid Local community via Flood Forum NSDC Town Council Local Levy
NCC	Ashfield	Hucknall (Town Centre)	Scheme to manage flooding from the Baker Lane Brook, Ordinary Watercourses, sewers and surface water linked to opportunities provided through the Hucknall Town Centre Improvement Scheme	36	£760k	£310k	Grant in Aid ADC Severn Trent Water Local Levy
NCC	Ashfield	Hucknall (Titchfield Park Brook)	Scheme to manage flooding from Titchfield Park Brook and surface	90	£500k	£100k	Grant in Aid ADC

Lead RMA	District	Location	About	Properties protected	Bid costs	Potential NCC contribution	Other potential funders*
			water				
EA	Gedling	Day Brook catchment (extending into Nottingham City)	Scheme to manage flooding from the Day Brook and surface water (most properties at risk are in the City but a catchment wide approach is needed)	233	£2,350k	£100k	Grant in Aid D2N2 Local Enterprise Partnership £1,166,609 (bid)
EA	Newark and Sherwood	Lowdham	Scheme to manage flooding from the Cocker Beck and surface water	286	£2,100k	£500k	Grant in Aid Local Levy NSDC
EA	Newark and Sherwood	Gunthorpe	Scheme to reduce flood risk from the River Trent/ tributaries	82	£1,200k	£240k	Grant in Aid Local Levy
EA	Broxtowe	Boundary Brook	Scheme to manage flooding from the Boundary Brook and a tributary	340	£1,489k	£275k	Grant in Aid Parish Local Levy
EA	Bassetlaw	Isle of Axholme Catchment Strategy (Idle)	Strategy to identify opportunities to reduce flood risk by taking a catchment based approach	28,000 ^s	£150k	£10k	Local Levy
EA	Ashfield, Gedling and Newark and Sherwood	East Nottinghamshire Tributaries Catchment Strategy	Strategy to identify opportunities to reduce flood risk by taking a catchment based approach	3,000 ^s	£100k	£10k	Local Levy
BDC	Bassetlaw	Retford	Scheme to reduce flood risk from the Retford Beck at Grove Lane and Blackstope Lane	111	£1,000k	£150k	Grant in Aid Local Levy (confirmed) BDC A1 Homes

Lead RMA	District	Location	About	Properties protected	Bid costs	Potential NCC contribution	Other potential funders*
							STW
BDC	Bassetlaw	Clarborough	Scheme to manage flooding from the Clarborough Beck	23	£336k	£100k	Grant in Aid BDC A1 homes
						TOTAL £2,395k Average £399k/annum (over 6 year period)	

*Efforts have been made to set out a realistic level of contribution in principle from external partners and this will need to be refined over time once specific schemes have been identified, fully costed and agreed between project partners. Hence they should be considered indicative at this time. Various levels of approval and sign off apply to project partners, Grant in Aid and Local Levy.

§Potential total number of properties that might benefit from some degree of protection based on the outcomes of a strategy

Table 3 Longer term schemes or where no contribution is sought from NCC at this time

Lead RMA	District	Location	About	Properties protected	Bid costs	Potential NCC contribution	Other potential funders*
TVIDB	Newark and Sherwood	Thurgarton	Ordinary Watercourse, surface water	20-30	£330k	£65k Includes £15k in 2014/15 for study work	Grant in Aid TVIDB District Council
EA	Newark and Sherwood	Carlton-on-Trent (Property Level Protection)	Property level protection scheme	43	£137.5k	£27.4k	Grant in Aid Local Levy

Other longer term schemes have been identified for the following locations, but there is limited information on the types of schemes and potential NCC contribution that would be required. Many of the capital schemes are likely to take place beyond 2021, once further study work has taken place:

Nottingham City: Broxtowe Park Brook and Tottle Brook (Broxtowe)

Environment Agency: Burton Joyce and Ouse Dyke (Netherfield/ Carlton) (Gedling), Worksop (Bassetlaw), Newark (Newark and Sherwood), Pleasley Vale (Mansfield)

Acronyms used: ADC (Ashfield District Council), BDC (Bassetlaw District Council), EA (Environment Agency), NCC (Nottinghamshire County Council), NSDC (Newark and Sherwood District Council), STW (Severn Trent Water), TVIDB (Trent Valley Internal Drainage Board)