

REPORT OF INTERIM SERVICE DIRECTOR, HIGHWAYS

FLOOD RISK MANAGEMENT UPDATE AND STAFFING

Purpose of the Report

1. To seek approval to create one new post in the flood risk management team to deal with the new requirement to comment on planning applications as Lead Local Flood Authority and to host one of the Environment Agency / Defra foundation degree students to support the County Council in delivering its flood risk management duties.

Information

2. In its role as Lead Local Flood Authority (LLFA) NCC has 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).

General update

3. Most parts of the Flood and Water Management Act 2010 have now been implemented. The major exception to this is the establishment of a Sustainable Drainage Approval Body (SAB) responsible for approving SUDS (Sustainable Drainage Systems) and it appears that this Approving Body will never be implemented. On December 19th 2014 the government published the results of the latest consultation on Sustainable Drainage Systems (SUDS) and it is now suggested that the approval of drainage systems would form part of the planning process, and approval would rest with the local planning authorities. For SUDS this would mean that the present system where no public body has to adopt and maintain SUDS would remain, and the current adhoc arrangements where many SUDS are maintained by private maintenance companies would continue. There is no requirement for the County Council to adopt any SUDS and therefore it is suggested that none are adopted or maintained by the County Council.
4. In December 2014 a new consultation was issued by government on proposals which if implemented would make the County Council in its role as a Lead Local Flood Authority a statutory consultee in the planning process initially for major developments. This consultation closed on the 29 January 2015 and the authority has responded to this consultation (in consultation with the Chair of Transport and Highways Committee) supporting the principle of the County Council becoming a statutory consultee in the planning process. The statutory consultee role is vital to allow the County Council to

perform its role as a Lead Local Flood Authority managing local flood risk. This new role came into force on the 15 April 2015. The County Council as a Lead Local Flood Authority has actively engaged with all local planning authorities to develop procedures to support the planning process. Most local planning authorities who lack expertise in flooding and drainage are also seeking advice from the County Council on local drainage matters

5. The County Council has developed a draft Local Flood Risk Management Strategy which it is required to under the Flood and Water Management Act 2010. 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.
6. The Environment Agency now only comment on planning applications that have an impact on main rivers. Issues relating to ordinary watercourse flooding, surface water flooding or groundwater flooding are for the County Council as Lead Local Flood Authority to deal with and comment on.
7. The County Council is required to make comments within 21 days of receiving the application from the local planning authority. The quantity of applications received for comments is expected to be less than the 3000 applications received by the Highways Development Control Team but is still expected to be significant and in the order of 400 per annum for major applications plus minor applications in sensitive areas. For the purpose of statutory consultation major development is defined as 10 houses or more or development greater than 0.5 hectare.

Resources

8. To allow development and economic regeneration benefits to proceed, and to protect communities from flooding, it is most important that the Lead Local Flood Authority meets its duties in providing robust advice to local planning authorities.
9. For the financial year 2015/2016 the government have provided financial support of £81,604 to meet this new burden, although in future years they have indicated that the figure is likely to be between £13,000 and £21,000.
10. It is proposed to create an additional Principal Officer Post (Band B) to assist in providing this service. In addition temporary agency staff will be employed for the first few months to help in the technical assessment of the detailed flood risk assessments that accompany major planning applications, and to assist in training staff in this technically demanding area.
11. One further proposal is that the County Council hosts one of the Environment Agency / Defra foundation degree students to support the County Council in delivering its flood risk management duties.
12. The student would spend the first 9 months at university and then spend 15 months with

the County Council as a Lead Local Flood Authority. The cost of this to the County Council would be £12,000.

13. All of the above costs will be funded from the additional grant monies and from charging for pre application planning advice.

Statutory and Policy Implications

14. 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). This report is intended to ensure that the County Council can comply with these new duties and powers.
15. 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

16. The costs of funding the additional resources are detailed in paragraphs 9 and 12. These will be funded from the additional grant monies and for charging for pre application planning advice.

RECOMMENDATION/S

It is RECOMMENDED that Committee approves the creation of one new Principal Officer post and the hosting of a foundation degree student.

Neil Hodgson
Interim Service Director Highways

For any enquiries about this report please contact:
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Constitutional Comments (SJE 05/05/2015)

This decision falls within the Terms of Reference of the Transport and Highways Committee to whom responsibility for approving the relevant departmental staffing structures has been delegated.

Financial Comments (TMR 30/04/2015)

The financial implications are set out in paragraph 16 of the report.

Background Papers

None

Electoral Division(s) and Member(s) Affected

All

