

**REPORT OF CHAIRMAN OF TRANSPORT AND HIGHWAYS COMMITTEE****UPDATE ON FLOOD RISK MANAGEMENT AND THE LOCAL FLOOD RISK  
MANAGEMENT STRATEGY****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 for the continued development of the Local Flood Risk Management Strategy.

**Information and Advice**

3. 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).
4. The Council is now a Lead Local Flood Authority (LLFA) and has new powers and statutory duties to manage and co-ordinate flooding from local sources. 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.
5. Local flood risk means flooding from surface water (overland runoff), groundwater and smaller watercourses (known as Ordinary Watercourses).
6. 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.
7. From April 2012, outside Internal Drainage Board areas, the County Council has had enhanced responsibilities for land drainage and for dealing with problems on Ordinary Watercourses and from April 2013 has had an annual land drainage budget of around

£100,000. Land and property owners do however, have a role in keeping watercourses flowing where they either own land or property next to a watercourse as Riparian Owners and in taking action to protect their own properties.

8. The County Council also provides a first response through its Highways and Emergency Planning teams to protect and assist local communities.

## **Progress to date**

9. There are both strategic and operational elements to the role of Lead Local Flood Authority. A prioritised work plan has been produced to deliver the new responsibilities, and the Flood Risk Management Team is working proactively with both internal and external stakeholders to take this forward.
10. Strategically, the Council developed a Preliminary Flood Risk Assessment (PFRA) in 2011 in line with European legislation to screen local sources of flood risk across the County. This was approved by the Cabinet Member for Transport and Highways on the 20<sup>th</sup> September 2011 and subsequently by the Environment Agency. No further work under the Flood Risk Regulations is now required until the next PFRA in 2017. The Council are now developing a Local Flood Risk Management Strategy and seeking to influence the strategic plans of other organisations, such as Local Planning Authority Local Plans and Severn Trent Water business planning.
11. Operationally, the Council investigates flooding incidents (targeting specifically where there has been internal property flooding) 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.
12. The County Council has a duty to investigate flooding incidents, where it deems 'necessary or appropriate' and determine which organisation(s) have roles and responsibilities and what actions they are taking. It 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. The County Council is working proactively with relevant organisations to take forward around 15 formal investigations following flooding in 2012 and progress has previously been reported to the Transport and Highways Committee. A further update report on these investigations will be brought to the Transport and Highways Committee in 2013.
13. The County Council must hold a Register and Record of Structures and Features where it deems these to 'have a significant effect on flood risk'. The drainage network has been heavily modified over time. Ownership and management of the network is fragmented and split between private owners, infrastructure owners and operators, the Environment Agency, District, Borough and the County Councils and Internal Drainage Boards. This is complicated in Nottinghamshire because of the stock of former Coal Authority housing and fragmented approaches of previous Urban and Rural District Councils. A large amount of historical information has been gathered and efforts are underway to continue to collect information and develop a comprehensive asset management system that informs land drainage work, future capital and revenue investment and operational decisions when flooding is forecast or occurring.

14. In respect of flood risk management works and land drainage, the County Council works in partnership with other relevant organisations and land owners to invest in capital schemes and maintenance on a prioritised basis where resources allow and actions are economically justifiable. The ultimate responsibility for keeping watercourses clear sits with Riparian Owners (those who own land or property alongside a watercourse). The Council undertakes a significant amount of work with landowners and Parishes to investigate land drainage issues and raise awareness of Riparian responsibilities and is able to take enforcement action if necessary where there is an urgent need to reduce flood risk through lack of maintenance or where illegal structures have been constructed.
15. 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 serving more than one property. The right to connect surface water to the public sewer network will be conditional on SAB approval. The funding for long-term maintenance is still to be determined.
16. 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 April 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.

## **Development of the Local Flood Risk Management Strategy**

17. The Council have a duty to develop, maintain, apply and monitor the implementation of a Local Flood Risk Management Strategy. The strategy will set out roles and responsibilities for flood risk management, objectives for managing flood risk, measures to achieve those objectives, an assessment of viability and sources of funding, an assessment of flood risk, how the strategy will be implemented and how it will meet wider environmental objectives. It provides a platform to bring together flood risk information and prioritise where action is taken to greatest effect. Future investment needs for flood alleviation work and sources of funding will also be considered. It is important to note that the strategy will bring together all of the actions that can be taken by organisations and the public to manage flood risk in the County and will not focus on flood defence schemes alone.
18. The Strategy is being managed as a project, consisting of technical work, community engagement and environmental assessment. The Strategy is supported by a steering group from the District and Borough Councils, Internal Drainage Boards, Severn Trent Water, Environment Agency and Nottingham City Council.
19. The project approach has been successful to date. The approach taken by the County Council has been recognised as national best practice and widely shared with other Lead Local Flood Authorities. There were over 400 responses to an initial public survey undertaken in Spring 2012. The overall progress the County Council has made is more advanced than many other Lead Local Flood Authorities.

20. Progress was affected by the 2012 floods and available resources but is now on track for public consultation on the draft Strategy and relating Environmental Report in Spring 2014, with a view to completion by mid 2014. A project update and enhancements to the public website in terms of the local arrangements in place for flood risk management in the County and to promote community and self-resilience are planned.

### **Other Options Considered**

21. None because acting as Lead Local Flood Authority is a statutory requirement.

22. The Local Flood Risk Management Strategy project programme has been set based on available resources, priorities within Highways, consultation periods with key stakeholders and the public and provision of external information. It is not possible to accelerate the project at this stage without fundamentally changing the approach to the development of the Strategy and risking a loss of stakeholder and public engagement.

### **Reason/s for Recommendation/s**

23. Acting as Lead Local Flood Authority is a statutory requirement and the approaches put in place relate to available resources and existing systems as far as is reasonably possible.

24. The project approach to the Strategy has already proved successful and should provide for a realistic and achievable action plan to manage flood risk in the County, developed in partnership with stakeholders and local communities.

### **Statutory and Policy Implications**

25. 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).

26. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service 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**

27. The Council is currently funded for local flood risk management through locally retained business rates and Local Services Support Grant. In 2013/14 the Council received £403,000 for this work and this has been used to fund the Flood Risk Management service. The government are seeking to maintain funding for Lead Local Flood Authorities at present levels for the current spending period up to 2014/15.

28. The role of the Council as SAB will have a major implication for resources. Some additional funding though application fees will be available but the funding for the longer term maintenance of such systems is still unclear.

29. The Council is able to make bids for both national Flood Defence Grant in Aid and regional Local Levy for flood schemes to the River Trent Regional Flood and Coastal Committee where we are represented by Councillor Calvert.

### **Equalities Implications**

30. Advice has been sought on the equalities implications of developing the Local Flood Risk Management Strategy. Appropriate actions are being taken through the public engagement to take account of equalities and equalities will also be taken into account as part of the prioritisation of flood risk areas and future works.

### **Human Resources Implications**

31. The commencement of the SAB role may require additional human resources within the County Council to facilitate the role.

### **Implications for Sustainability and the Environment**

32. The Council must make a contribution towards sustainable development through its flood risk management activities. The Council are undertaking a Strategic Environmental Assessment for the Local Flood Risk Management Strategy, which will seek environmental improvement opportunities on watercourses. The Council are also supporting the Environment Agency with the delivery of the Water Framework Directive (2000) to improve water quality on watercourses.

## **RECOMMENDATIONS**

It is RECOMMENDED that the Committee note the progress in delivering new responsibilities for flood risk management.

It is RECOMMENDED that the Committee approve the continued development of the Local Flood Risk Management Strategy.

**Councillor Kevin Greaves**  
**Chairman of Transport and Highways Committee**

### **For any enquiries about this report please contact:**

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### **Constitutional Comments (NAB 25.06.13)**

33. Policy Committee has authority to consider and approve the recommendations set out in this report by virtue of its terms of reference.

## **Financial Comments (TMR 25/06/2013)**

34. The financial implications are set out in paragraphs 27, 28 and 29 of the report.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Report to Communities and the Environment Standing Committee, 11 April 2011 on the Nottinghamshire Preliminary Flood Risk Assessment

Report to Cabinet Member for Transport and Highways, 20 September 2011 on the Nottinghamshire Preliminary Flood Risk Assessment

Nottinghamshire Preliminary Flood Risk Assessment (2011)

Report on Transport and Highways Committee, 10 January 2013 on Investigations into flooding in Nottinghamshire in June and July 2012

## **Electoral Division(s) and Member(s) Affected**

All