

**REPORT TO:** Environment and Urban Renewal  
Policy and Performance Board

**DATE:** 13 March 2013

**REPORTING OFFICER:** Strategic Director Policy and Resources

**PORTFOLIO HOLDER:** Transportation

**SUBJECT:** Flood Risk Management - Progress Report

**WARDS:** Boroughwide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide Members with an update on flood risk management issues and inform members of the progress being made in relation to the Council's duties under the Flood and Water Management Act (2010) (F&WMA).

## **2.0 RECOMMENDATION: That the Board notes the progress being made in relation to the Flood and Water Management Act.**

## **3.0 SUPPORTING INFORMATION**

### Legislation Update

- 3.1 The F&WMA has been implemented under a phased implementation approach over a period of 2 years by Government. The F&WMA is now fully enacted with the exception of just a few outstanding provisions, which Defra propose to implement in 2013, following the completion of consultation with relevant stakeholders. Of particular note, the introduction of legislation relating to Sustainable Drainage (SuDS) has been delayed and is now scheduled for implementation during 2014.

### SuDS

- 3.2 Members will recall that the Council provided a response to Defra's consultation on proposed SuDS legislation in March last year. Many respondents called for adequate time to prepare for this very significant, new piece of legislation, which will require the establishment of SuDS Approval Bodies (SABs) and new approval procedures. Defra officials are working with stakeholders to address the many issues that arose, in relation to the design, adoption and maintenance of SuDS in new and redevelopments.
- 3.3 In the meantime, surface water drainage provision within new developments continues to be addressed as before, and the water company, United Utilities will continue to adopt conventional drainage systems by agreement until the law is changed.

### Local Flood Risk Management (FRM) Strategies

- 3.4 Section 9 of the F&WMA requires all Lead Local Flood Authorities (LLFAs) to develop a strategy for local flood risk in their area. The strategy must cover the following key elements:
- A description of the functions exercised by risk management authorities operating within the Halton Area;
  - An assessment of flood risk in Halton, for the purpose of the Strategy;
  - Details of the objectives for managing local flood risk in Halton; and
  - The measures that are proposed to achieve those objectives, and how and when the measures are expected to be implemented and paid for.

The preparation of Halton's Local Strategy will draw heavily on the Preliminary Flood Risk Assessment (PFRA) and the Surface Water Management Plan study (SWMP) that were completed in 2011/12.

- 3.5 Whilst no specific date has been set within the legislation for the local strategies to be adopted, all LLFAs within the North West region are being encouraged to have a draft strategy in place for consultation, by June this year. Halton is working closely with neighbouring authorities in the Cheshire and Mid Mersey Regional Sub Group, on a common strategy document. The Local Government Association has provided a lead on the scope and content of local strategies and has produced a comprehensive guidance document for LLFAs to follow. It is anticipated that the draft Local Strategy will be presented at the June meeting of this Board.

#### Watercourse Regulation

- 3.6 At its meeting in November last year, the Board considered a report setting out changes to the Land Drainage Act, which had resulted in new regulatory powers for the Council of Consenting & Enforcement of works to watercourses. It was anticipated that, as the number of applications for consent had historically been low within Halton, that the workload could be managed within current staffing resources. During the first year of the new powers, this has largely proved to have been the case. To date only two applications for consent have been received and processed, although a further four applications are expected in relation to current new developments. It is anticipated that the workload will continue at this level with new developments (housing and commercial) providing the primary source of applications. Similarly, to date, no enforcement action in relation to watercourses has been necessary.
- 3.7 Proposals to consult on a set of Land Drainage Byelaws for Halton were approved by Executive Board on 10<sup>th</sup> January 2013. The draft Byelaws have been sent to the Environment Agency for informal checking prior to commencing initial consultation with stakeholders in March.

### Governance

- 3.8 The governance arrangements for flood risk management across the region that were reported to the Board in January 2012 are now well established. Regular quarterly meetings of the Cheshire and Mid Mersey Regional Sub Group are held, both at a tactical level (FRM officers), and strategic level (Directors and Cabinet / Portfolio Holders). The strategic group reports 'upwards' to the North West Regional Flood and Coastal Committee (RFCC). Councillor Stockton, is one of two C&MM sub-group member representatives on the NW RFCC.
- 3.9 Meetings are also attended by representatives of United Utilities and the Environment Agency. The EA have an 'overview' role and are responsible for monitoring and reporting progress by the LLFAs in relation to the F&WMA duties.

### United Utilities Work Programme

- 3.10 At a recent meeting of the C&MM FRM Tactical Group, United Utilities' representative outlined proposals for a series of partnership meetings with LLFAs to share the results of their Sewerage Management Plans and to invite views and comments on future investments on their local networks which will contribute to the formulation of their business plans. This is an opportunity for Local Authorities to influence sewer infrastructure investment in their area, to address local flood risk. UU's timetable was to complete this exercise by March however, dates for these meeting have yet to be set.

### FRM Funding and Programme

- 3.11 Funding for FRM and flood defence work comes from a variety of sources. In addition to the Area Based Grant which is paid to all LLFAs, there are nationally and locally funded programmes for capital schemes and projects. These can range in size from a £22M scheme of sea defences for the Fylde coast to £15,000 for small studies and investigation works.
- 3.12 At its meeting on 18<sup>th</sup> January, the RFCC considered Flood Defence Grant in Aid (FDGiA) indicative funding allocations covering a five year period and approved Local Levy Programme schemes for 2013/14. FDGiA and local levy funds schemes may be proposed by both the Environment Agency and local authorities. The local authority FDGiA allocation for 2013/14 totals £11.563M. The local levy budget for local authorities totals £735K.
- 3.13 Halton's bid for funding for schemes from both 'pots' has been successful in securing the following allocations for local schemes and projects:

	2013/14	2014/15	2015/16	2016/17	2017/18	Total
<b>FDGiA Indicative Allocations</b>						
Bridgeway	£8000	£40,000	£40,000	£50,000	£50,000	£188,000

and Lockgate, Runcorn Flood Alleviation Scheme						
Compass Close, Runcorn Flood Alleviation Scheme	£12,000	£30,000	£10,000	0	0	£52,000
Pitville Terrace, Widnes Flood Alleviation Scheme	£6,000	£7,000	£7,000	0	0	£20,000
<b>Local Levy Planned Expenditure 2013/14</b>						
Runcorn & Widnes Culvert Study	£15,000					

It should be noted that under the new 'partnership' funding regime for flood defence works schemes a local contribution towards the overall cost of the scheme is usually required to enable FDGiA schemes to proceed. In its bid, Halton identified local contributions totalling £20K for 2013/14 which we propose to draw down from the FRM Area Based Grant. Future years' contributions are currently expected to be of the order of £30K and consideration will need to be given to re-instating a capital allocation in the Council's Capital Programme if we are to continue to develop and successfully deliver FRM improvement schemes within the Borough.

- 3.14 At this stage, these FDGiA funds are termed 'indicative allocations' only, and further scheme development work will be required early in the year to secure scheme approvals and actual grant monies, via the EA's funding procedures. Due to the allocations being phased over a number of years, grant in 2013/14 is likely to be used on survey, investigation and design that will form the basis for improvement works in future years.
- 3.15 Part of the funding for the national and local capital programmes comes from the 'local levy' on LLFAs. An amount is included within the Council's Formula Grant to cover this. The Environment Agency raises these local levy monies each year from LLFAs and the amount payable by each Local Authority is determined by reference to the Local Authority approved Council Tax base. For 2013/14 the NW RFCC agreed to keep the levy at the same level as previous years, a total of £3.638M for northwest LLFAs. Halton's levy contribution is £58,730.

#### Flooding Incidents in 2012

- 3.16 The year 2012 has been widely reported as the wettest on record for England and Wales. Two significant flooding incidents occurred locally during the year: in August, a period of prolonged and heavy rain, particularly in the south of the Borough, most notably resulted in the early closure of the Creamfields event at Daresbury. Surface water run-off from the fields around Daresbury resulted in internal property flooding at a house located in Chester Road, within Warrington Borough Council's (WBC) administrative boundary. We understand that WBC is undertaking a formal investigation into the circumstances. Joint discussions are underway with the event organisers and WBC to address on-site land drainage issues before this summer's event. Within Halton no internal property flooding was reported, although there were a number of instances of minor road flooding around Moore village, due to land drainage problems which are being looked into.
- 3.17 A further period of heavy rainfall at the end of September, caused widespread flooding problems across the region, but again Halton escaped relatively unaffected. Main issues included flooding of pedestrian subways (at Ridding Lane and Davy Road, Runcorn), which were resolved by clearing blocked drainage systems and some minor road flooding at Moore and Hale villages. There was also evidence of subway & footpath flooding at Keckwick Brook and water impounding at the flood storage basins at Wharford Farm and Oxmoor (Manor Park). The recently completed EA flood defences in Sandymoor, protected properties from flooding during this weather event.
- 3.18 The wettest year has also resulted in an increased number of private garden and open land flooding, due to the land being saturated and causing groundwater seepage. In some instances, problems of land drainage capacity and blockages have come to light. Generally, these are issues for the landowner to resolve, as 'riparian' owner of the drain or watercourse, however, the Department does offer advice and assistance when it is able to do so, always bearing in mind, the regulatory function that the Council performs under the Land Drainage Act legislation.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 There are no specific policy implications in relation to this report. The draft Local Flood Risk Strategy will be presented to the Board for endorsement in due course.

#### **5.0 OTHER IMPLICATIONS**

##### **5.1 Resource Implications**

The proposed capital funding provided through the FDGiA and Local Levy programmes for 2013/14, will require a local financial contribution of approximately £20,000, which will be drawn down from the area based grant, as described in paragraph 3.12.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children and Young People in Halton**

There are no implications associated with this report.

### **6.2 Employment, Learning and Skills in Halton**

There are no implications associated with this report.

### **6.3 A Healthy Halton**

There are no implications associated with this report.

### **6.4 A Safer Halton**

The planned capital investment in flood management schemes outlined in paragraph 3.13 will provide protection to residential properties and create a safer environment in those areas that have been affected by flooding in the past.

### **6.5 Halton's Urban Renewal**

There are no implications associated with this report.

## **7.0 RISK ANALYSIS**

7.1 With regard to the Local Strategy, whilst there is no specific date specified for its completion and adoption, EA do monitor progress of LLFAs in relation to their duties under the the F&WMA, on behalf of Defra. Consequently, there is an element of reputational risk for the Council if adoption of the proposed Local Strategy is delayed.

7.2 As stated in paragraphs 3.13 and 5.1, local financial contributions, toward the cost of programmed schemes, are required enable them to proceed. There is a risk that FDGiA funding allocations could be withdrawn if local funding allocations are not available. For the 2013/14 programme the local contribution is deemed to be affordable within the current Area based Grant allocation.

7.3 The proposals are not so significant that a full risk assessment is required.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

There are no Equality and Diversity issues in relation to this report.

## 9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Flood and Water Management Act 2010 Progress Report on Implementation 2012 (Defra)	Highways Development Division, Rutland House, Halton Lea, Runcorn	Dave Cunliffe
Framework to assist the development of the Local Strategy for Flood Risk Management, Nov.2011 (LGA)	Highways Development Division, Rutland House, Halton Lea, Runcorn	Dave Cunliffe
United Utilities draft outline for partnership meetings.	Highways Development Division, Rutland House, Halton Lea, Runcorn	Dave Cunliffe
FDGiA Allocation Letter, LA table and Local Levy Allocation 2013/14 (EA Feb.2013)	Highways Development Division, Rutland House, Halton Lea, Runcorn	Dave Cunliffe