

## REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

**25 OCTOBER 2016**

### **LOCAL FLOOD RISK MANAGEMENT STRATEGY ANNUAL ACTION PLAN 2016/17**

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#### **Summary**

This report sets out progress on the Local Flood Risk Management Strategy, adopted and published in autumn 2014 and presents an Annual Action Plan for 2016/17 for its continued implementation.

The report also includes progress of the setup of the North Kent Marshes Internal Drainage Board which the Council are administering.

#### **1. Budget and Policy Framework**

- 1.1 The Flood and Water Management Act 2010 (FWMA 2010) and the Flood Risk Regulations 2009 (FRR 2009) established Medway Council as a Lead Local Flood Authority (LLFA). The FRR 2009 and the Flood and Water Management Act (FWMA) 2010 sets out a number of roles and responsibilities for LLFA's with respect to the management of local flood risk (i.e. from surface water, groundwater and 'ordinary watercourses').
- 1.2 The costs of implementing the roles and responsibilities are covered by the approved budget via an Area Based Grant from the Department of Environment, Food and Rural Affairs (DEFRA).
- 1.3 Whilst the imposed duties are statutory, the new roles and responsibilities directly contribute towards Council priorities and ways of working included within the Council Plan 2016/17 to 2020/21 outlined below, as well as several ambitions and principles included within the Sustainable Community Strategy 2010-2026.

Key linked priorities;

- Medway: A place to be proud of; *a clean and green environment.*
- Maximising regeneration and economic growth; *Getting around Medway.*

Ways of working;

- Giving value for money.
- Working in partnership where this benefits Medway's residents.

## **2. Background**

- 2.1 As a Lead Local Flood Authority (LLFA), Medway Council is responsible for local flood risk management (defined as flood risk associated with surface water, ground water and ditches/streams).
- 2.2 Part 1, Article 2, Section 9 of the FWMA 2010 states that a Lead Local Flood Authority must develop, maintain, apply, and monitor a strategy for local flood risk management in its area (a Local Flood Risk Management Strategy).
- 2.3 The current Local Flood Risk Management Strategy was adopted by Cabinet on 5 August 2014. The strategy complements and supports the National Strategy published by the Environment Agency, which outlines a national framework for flood and coastal risk management and aims to balance the needs for communities, the economy and the environment.
- 2.4 The primary aim of the strategy is to set out the approach Medway Council, as LLFA will take to local flood risk management, record how this approach has been developed and agreed and to deliver the legislative requirements of the FWMA 2010.
- 2.5 The strategy should be viewed as a living document and the approach taken is that more specific actions would be identified as more information is gathered concerning local flood risk issues whether by reporting, or via further study.
- 2.6 The strategy culminates in a number of objectives and measures consistent with the EA's National Strategy and has been created around the following themes:
- Understanding the risks.
  - Preventing inappropriate development.
  - Managing the likelihood of flooding.
  - Improving flood prediction, warning, and post recovery.
- 2.7 A strategic approach reduces the likelihood and detrimental consequences of flooding in a way that does not compromise the interconnected needs of the economy, society and environment in the future. The strategy is a document against which local flood risk management activities should be assessed and measured.

## **3 Annual Action Plan 2015/16 Progress**

- 3.1 RCC O&S Committee considered a report on 26 June 2014 concerning the Flood and Water Management Act 2010 and associated requirements and responsibilities. The report referenced Annual Action Plans that would be produced to review progress of the strategy and to provide update as required as a result of new information, further studies or legislation.

- 3.2 The resulting 2015/16 Annual Action Plan was reported to Regeneration, Culture and Community O&S on 29 September 2015 and contained a number of objectives and specific actions to achieve those objectives. Appendix 1 contains the plan showing details of progress. Due to the nature of the actions, most of the actions are ongoing.
- 3.3 Noteworthy completed actions from the Annual Action Plan 2015/16 include the following:

<b>Project</b>	<b>Timescale</b>
Completion of a Surface Water Management Plan in order to better understand and manage local flood risk throughout Medway.	August 2015- August 2016
Completion of the Whitewall Creek Penstock Project. This project has substantially decreased risk to nearby properties and contributes towards local environmental improvement.	April 2015 – September 2015
Installation of telemetry system to the Hoo Stream to assist the Highways Service with asset management of structures to reduce flooding to residents.	August 2015- December 2015

#### **4 Annual Action Plan 2016/17**

- 4.1 Measures included for the Annual Action Plan 2016/17 reflect a continuation of those integral to the delivery of the Lead Local Flood Authority Role, with an additional objective included to capture the administration role for the North Kent Marshes IDB.
- 4.2 In that context, many of the ongoing actions included within Annual Action Plan 2015/16 have been carried forward as a rolling programme for continuation in 2016/17. These are included within Appendix 2.
- 4.3 The Highways Maintenance Efficiency Programme offers funding where a Highways Authority successfully achieves criteria in related to the management of drainage assets and reduction of flooding.
- 4.4 Medway LLFA and the Highways Service work collaboratively in order to measure and monitor common objectives to ensure the sharing of information and resource to achieve mutual goals related to those objectives as follows;
- Fewer flooding incidents,
  - A reduction in accidents as a result of flooding,
  - A reduction in the number of properties flooded adjacent to the highway as a consequence of highway runoff,
  - An improvement in the management of delays and disruption caused by roads blocking as a result of flooding,

- A significant increase in gully cleansing, specifically targeted at those gullies that have been identified as being most likely to lead to flooding if not well maintained,
- And all relevant flooding incidents investigated appropriately.

## 5 Statutory Consultee role

5.1 Medway Council in its remit as Lead Local Flood Authority was made statutory consultee in respect of surface water for major development on April 15 2015. Statutory consultees have a duty to respond to statutory consultations within 21 days in accordance with Article 22 of the Development Management Order.

5.2 Table 1 illustrates Medway LLFA statutory consultee compliance results for the reporting period 1 April 2015 – 31 March 2016 and has indicated overall compliance for undertaking the new role.

**Table 1: Statutory Consultee compliance results 1 April 2015 – 31 March 2016**

Consultation Type	Number of consultations received	Number responded to within 21 days	% compliance
Major	24	24	100
Minor	3	3	100
Other*	27	23	85
<b>TOTAL</b>	<b>54</b>	<b>N/A</b>	<b>N/A</b>

\*Other refers to applications related to Change of Use, Householder, Advertisement and Condition discharge. All 'other' consultations within this reporting period were Condition discharge applications.

5.3 Table 1 indicates 85% compliance for 'other' consultations in meeting the 21 day response time, where a total of four were responded to outside of the statutory consultee time. The four consultations were responded to late due to there being initial consultation via the ACOLAID system.

## 6 North Kent Marshes Internal Drainage Board update

6.1 Since 2013, Medway Council have worked in partnership with Gravesham Borough Council to lead a Steering Group of stakeholders to investigate options for water level management of the area previously known as the East of Gravesend Internal Drainage Board (IDB).

6.2 IDB's exist within such areas of "special drainage need" and exercise powers within a locally democratic management structure, supported by funding from landowners and Local Authorities. IDB's undertake works to reduce flood risk to people and property, and manage water levels to meet local needs.

6.3 Previously, the Environment Agency undertook the administration of the East of Gravesend IDB. However, changes imposed by the FWMA 2010 meant that it was no longer appropriate for the IDB to be managed in such a way.

- 6.4 If the East of Gravesend IDB were dissolved, Medway Council and KCC in their LLFA capacity would be the relevant Drainage Authority for the areas, but without the benefit of the funding currently generated by the IDB. Therefore there would be an increased budget pressure on the Council(s).
- 6.5 A Steering Group agreed to explore the setup of a new IDB to be named the "North Kent Marshes IDB". A unanimous decision was made on the basis that the retention of a locally accountable structure to manage water levels would ensure a coordinated approach to the management of flood risk and land drainage as well as the delivery of statutory duties with regard to recreation and the environment.
- 6.6 A Clerk and Engineer would be required to provide technical and administrative expertise and support the day to day management of the Boards interests. The Steering Group, including potential Members of the Board considered various options for the provision of the Clerk and Engineer service including contracting the services to the private sector and/or another Risk Management Authority.
- 6.7 Due to potential increased costs to both landowners and drainage rate payers it was proposed that Medway Council considered offering the option of undertaking the Clerking and Engineering services via a Service Level Agreement. As LLFA, Medway Council are also a Drainage Authority and have a duty to exercise general supervision over all matters relating to the drainage of land.
- 6.8 The proposal to offer the Clerking and Engineering services to the Board de-risks the setup providing an array of services from which the Board can call upon for its requirements as well as promoting close partnership working between local Risk Management Authorities and Members/Officers to maximise efficiency and consistency.
- 6.9 The East of Gravesend Internal Drainage Board was formally dissolved in August 2016 and a new Board the 'North Kent Marshes Internal Drainage Board' was formed via Statutory Instrument and commenced 28 August 2016.

## **7 Risk management**

- 7.1 The risks exposed by a failure to comply with parts of the legislation are great. Whilst the FWMA 2010 enables LLFA's to delegate *some* flood or coastal erosion risk management functions to other risk management authorities, there is an expectation that LLFA's will gradually increase expertise and capacity in this field.
- 7.2 Failure to undertake statutory functions can result in an increase in flood risk to people, properties and infrastructure and reputational damage to the Council.

## **8 Financial implications**

- 8.1 Funding to carry out the day-to-day flood risk management functions and delivery of identified projects is included in existing revenue budgets.

8.2 Funding for the administration of the North Kent Marshes is provided via the Board under a Service Level Agreement.

## **9 Legal implications**

9.1 Section 9FH of the Local Government Act 2000 requires a lead local flood authority operating executive arrangements to have arrangements in place for the review and scrutiny of the exercise of its flood risk and coastal erosion risk management functions. In Medway the Regeneration, Community and Environment Overview and Scrutiny fulfils this function. A risk management authority must comply with a request made by the relevant Overview and Scrutiny Committee for information or a response to a report and must have regard to reports and recommendations of the Committee.

## **10 Recommendations**

10.1 That the Committee notes the progress of the Local Flood Risk Management Strategy and the 2016-17 Annual Action Plan.

10.2 That the Committee notes the progress of the setup of the North Kent Marshes Internal Drainage Board.

## **Appendices**

- 1 Local Flood Risk Management Strategy Annual Action Plan 2015-16.
- 2 Local Flood Risk Management Strategy Annual Action Plan 2016-17.

## **Background Papers:**

Report to Overview and Scrutiny Committee – *Annual Action Plan on the Local Flood Risk Management Strategy* 29 September 2015

<https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3249&T=0>

Report to Cabinet: *Flood and Water Management Act 2010 – Roles and responsibilities and the Local Flood Risk Management Strategy*. 8 April 2014.

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=23428>

Report to Council *Report on Overview and Scrutiny Activities* 3 March 2011

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=7118>

Report to Regeneration, Community and Culture Overview and Scrutiny Committee *Flood and Water Management Act 2010 and Flood Risk Regulations 2009* 10 February 2011

<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=6975>

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LFRMS Annual Action Plan 2015-16			
Theme	Objective	Action 2015-16	Progress
Understand the risks	Work with stakeholders to develop a collective understanding of local flood risk	Maintain partnership with established external stakeholder group.	Ongoing quarterly meetings with Risk Management Authorities.
		Complete Surface Water Management Plan.	Completed August 2016.
	Monitor flood risk	Complete and maintain an Asset Record & Register of structures and features.	Local assets have been recorded. Asset Register and Record to be completed before April 2017.
		Undertake a condition survey of Council owned structures and features.	Ongoing annual condition surveys are completed every Autumn.
		Use the results of the condition survey to identify assets that require maintenance/capital works.	Ongoing pending results of above.

**Appendix 1**

<b>Prevent inappropriate development</b>	<b>Ensure local planning policy is consistent with wider flood risk management policies and legislation and provide clear advice on how to achieve those policies within Medway.</b>	Input into Local Plan policy process during 2016 to ensure consistency with local strategy.	Ongoing as required as part of Local Plan process.
	<b>Promote the use of SuDs</b>	Investigate feasibility of retrofitting Sustainable Drainage (SuDs) to reduce areas at significant risk identified within the SWMP to include (but not limited to): <ul style="list-style-type: none"> <li>• Chatham Public Realm area.</li> <li>• Canadian Avenue, Gillingham.</li> </ul>	Results of SWMP have identified potential areas of benefit. Need to align with Regeneration team Public Realm Project.  Awaiting results of flow monitoring by Southern Water to establish if a SuDs system would be feasible at Canadian Avenue.
		Develop guidance and standards for developers to assist with the design of drainage schemes	Ongoing alongside Local Plan process and completion of SWMP.
	<b>Take account of the cumulative effects of developments and climate change on the risk of flooding throughout Medway.</b>	Deliver new Statutory Consultee role.	Ongoing in accordance with Town and Country Planning Act 21 day statutory consultee response time.
<b>Manage the likelihood of flooding</b>	<b>Ensure development has a positive or nil effect on risk of local flooding to and arising from new development.</b>	Identify a means of ensuring the maintenance of Sustainable Drainage assets via the planning process.	Complete – for now this is via planning condition. Other methods are being looked at nationally.
		Develop standard text and advice for Statutory Consultee role.	Ongoing



**Appendix 1**

	<b>Consider how future infrastructure improvements (e.g. highways, rail, public realm) could be used to deliver local flood risk reduction/benefits.</b>	Development of processes to enable a review of infrastructure proposals.	Complete - via planning process/LPA
	<b>Use flood risk information to implement a risk - based approach to capital investment decisions and maintenance programmes</b>	Identify how the Asset Register Management Database can be used as a tool for informing a risk based approach to capital investment decisions and maintenance programmes.	Ongoing maintenance of database by both LLFA and Highways to identify areas which are vulnerable to flooding to inform maintenance programmes (e.g. gully cleansing).
		Identify council owned flood risk/drainage assets included on the Asset Register that require operational procedures.	Complete. Whitewall Penstock.
		Deliver the Whitewall Creek Penstock Replacement project.	Complete in Summer 2015.
		Develop operational procedures for the Whitewall Creek Penstock.	Ongoing – carried forward to 2016-17.
<b>Help people to manage their own risk</b>	<b>Share flood risk information with Risk Management Authorities and the public.</b>	Maintain website improve accessibility to flood risk information.	Ongoing – maintenance as required.
	<b>Increase public awareness with respect to flood risk and responsibility for flood risk management.</b>	Engage with Hoo Parish Council and community regarding responsibilities for flood risk management under the Land Drainage Act 1991.	Ongoing on an annual basis to remind residents of responsibilities under the Land Drainage Act.
		Investigate feasibility of appointing flood wardens in Hoo to clear structures and respond to flood warnings.	Ongoing. Pending further dealings with the Parish Council.
	<b>Use information on local flood risk as a tool for flood prediction and warning.</b>	Maintain / improve local flood risk mapping using outputs from SWMP.	Ongoing. Local mapping is used internally to highlight vulnerable areas for additional gully cleansing.

**Appendix 1**

		Implement a telemetry system to the Hoo Stream at Vicarage Lane, to assist Highways with asset management of the trash screen and to provide a means of flood warning to nearby residents.	Complete end of 2015.
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<b>LFRMS Annual Action Plan 2016-17</b>		
<b>Theme</b>	<b>Objective</b>	<b>Action 2016-17</b>
<b>Understand the risks</b>	<b>Work with stakeholders to develop a collective understanding of local flood risk</b>	Maintain partnership with established external stakeholder group via quarterly meetings.
	<b>Monitor flood risk</b>	Complete and maintain an Asset Record & Register of structures and features.
		Undertake a condition survey of Council owned structures and features.
		Use the results of the condition survey to identify assets that require maintenance/capital works.
<b>Prevent inappropriate development</b>	<b>Ensure local planning policy is consistent with wider flood risk management policies and legislation and provide clear advice on how to achieve those policies within Medway.</b>	Input into Local Plan policy process during 2017 to ensure consistency with local strategy.
	<b>Promote the use of SuDs</b>	Investigate feasibility of retrofitting Sustainable Drainage (SuDs) to reduce areas at significant risk identified within the SWMP before end 2016.
		Develop guidance and standards for developers to assist with the design of drainage schemes before April 2017.
		Provide annual training to the Planning Service on Sustainable Drainage.
<b>Take account of the cumulative effects of developments and climate change on the risk of flooding throughout Medway.</b>	Deliver the Statutory Consultee role in accordance with the 21 statutory consultee period.	
<b>Manage the likelihood of flooding</b>	<b>Ensure development has a positive or nil effect on risk of local flooding to and arising from new development.</b>	As above.

	<b>Consider how future infrastructure improvements (e.g. highways, rail, public realm) could be used to deliver local flood risk reduction/benefits.</b>	Ongoing as required via planning process.
	<b>Use flood risk information to implement a risk - based approach to capital investment decisions and maintenance programmes</b>	Use the Asset Register Management Database can be used as a tool for informing a risk based approach to capital investment decisions and maintenance programmes.
		Identify council owned flood risk/drainage assets included on the Asset Register that require operational procedures by April 2016.
<b>Help people to manage their own risk</b>	<b>Share flood risk information with Risk Management Authorities and the public.</b>	Maintain website improve accessibility to flood risk information.
	<b>Increase public awareness with respect to flood risk and responsibility for flood risk management.</b>	Engage with Hoo Parish Council and community regarding responsibilities for flood risk management under the Land Drainage Act 1991.
		Annual action. Appoint flood wardens in Hoo to clear structures and respond to flood warnings by December 2016.
	<b>Use information on local flood risk as a tool for flood prediction and warning.</b>	Maintain / improve local flood risk mapping using outputs from SWMP.
Maintain telemetry system to the Hoo Stream at Vicarage Lane, to assist Highways with asset management of the trash screen and to provide a means of flood warning to nearby residents.		