

## **Pendle 3 Tier Forum**

**1 April 2014**

### **Flood Risk Management**

#### **Why undertake Flood Risk Management?**

Following the Pitt Review the Government has introduced new legislation which has brought about new statutory duties and responsibilities for local authorities.

Key pieces of legislation which Lancashire County Council undertakes are set out in the Land Drainage Act 1991, & the Flood and Water Management Act 2010 (FWMA).

The FWMA now designates Lancashire County Council as a Lead Local Flood Authority (LLFA) and makes us responsible for managing the risk of flooding from local sources. These local sources include surface water, groundwater and ordinary watercourses.

#### **Lancashire County Council Flood Risk Management Team**

In response to this new legislation in June 2013 Lancashire County Council established a Flood Risk Management team which sits in the Lancashire Highway Services Section of the Environment Directorate. The team are responsible for implementing the requirements of the FWMA and ensuring Lancashire County Council is able to successfully deliver against its new responsibilities as a LLFA.

#### **The Council's key responsibilities**

The council's key responsibilities include:

- **Implementing a Local Flood Risk Management Strategy** guided by the Environment Agency's National Flood and Coastal Risk Management Strategy specifies a set of 19 objectives for managing local flood risk. The Strategy (joint with Blackpool) will be adopted in April 2014 and will guide our Flood Risk Management objectives over the next three years and beyond.
- (Section 19 Reports) **Investigating flood incidents** reports from public, MPs, Councillors etc. We have a duty to investigate 'to the extent that it considers it necessary or appropriate.' Whilst the responsibility to take action might lie with one of the other RMAs this duty to **investigate** lies solely with the LLFA regardless of the source or cause of the flooding incident.
- **Sustainable Drainage Approving Body (SAB)** expected post October 2014, working in tandem with the planning system. LCC will be responsible for approving sustainable drainage proposals (10 properties or greater than 0.5 ha.) The LLFA will also have a duty to adopt and maintain those SuDS systems for the life of the development paid by levy. This role is set to increase with DEFRA

stating that by 2017 the requirement for SAB consent will increase to any development greater than 1 dwelling house or greater than 100sqm (patio).

- **Maintaining an Asset Register** of local structures and features that are likely to have a significant effect on flood risk. The Flood Risk Management Team are in the process of collating information from all over the county regarding structures and features which could have an effect on flood risk including gullies, culverts and trash screens.
- **Designating structures / features as flood risk assets** in order to ensure assets which could have a significant effect on flooding are recognised and protected. This power extends to structures and features found on private land Designation means the owner would need consent before making any changes to the structure or feature. This power was introduced in June 2013 but has not yet been exercised by the County Council.
- **Consenting and enforcement on ordinary watercourses(anything not designated as main river)** – The FWMA transfers powers from the EA to LLFAs for consenting and enforcement issues for ordinary watercourses, unless they are within an Internal Drainage Board (IDB) area. The Pendle area has the Earby and Salterforth IDB details of which are attached to the back of this report. LCC therefore has responsibility for consenting to works completed on ordinary watercourses and for taking enforcement action when works have been completed without consent.

Ordinary water course (OWC) Consents average 20/quarter, enforcements issued average 10/quarter. This is particularly important when works on an ordinary water course have contributed to or caused a flooding incident.

- Contributing to **sustainable development** when exercising a flood risk management function, for example ensuring our own capital improvement schemes are delivered in a way that is not detrimental to the wider environment or the future capacity of an area to cope with flooding (property group, emergency planning)
- Involvement in Coastal overview Fylde Peninsular Water Management Group, NW Coastal group (Anchorsholme & Rossall flood defence schemes. Whilst Lancashire County Council has been designated as the LLFA we need to continue working in partnership with the other Risk Management Authorities (RMA's) in order to effectively deliver against the requirements of the FWMA, this is primarily working in partnership with Districts, Environment Agency (EA), and United Utilities. We are adopting a proactive approach - Modelling, developing Surface Water Management Plans to identify high risk areas, which will assist deliver the Flood Risk Management Strategy objectives.
- Strategic Partnerships are an integral part in delivering the duties and responsibilities required by the Acts.
- There is a formal hierarchy of partnerships (see below) starting at the high level Regional Flood & Coastal Committee, Strategic Partnership Management Group,

Partnership Group & the mainly technical led district Making Space for Water Groups. All these groups contribute to managing the way that Flood Risk duties and responsibilities are delivered and are instrumental in attracting Government funding.

- The DEFRA announced on 6 February, 2014 approved Grant for Lancashire 2014/15 totalling £38M, which includes funding for EA schemes along with a local authority programme.

### **Earby and Salterforth IDB**

Internal Drainage Boards (IDBs) have an important role to play in flood risk management, and in creating and managing natural habitats. IDBs are made up of elected members who represent land occupiers, and others nominated by local authorities who represent the public and other interest groups. Each IDB operates within a defined area, known as a drainage district. In Lancashire there is one IDB - The Earby and Salterforth IDB.

IDBs are independent public bodies responsible for managing water levels in low-lying areas. They are the land drainage authority within their districts and their functions include supervising land drainage and flood defence works on ordinary watercourses. This is primarily funded by drainage rates and levies from land occupiers and local authorities. By doing this, they closely manage water levels, both in watercourses and underground (groundwater), by improving and maintaining ordinary watercourses, drainage channels and pumping stations to reduce the risk of flooding.

They are able to involve local people, encourage volunteering and raise funds from those who benefit from their work. The Earby and Salterforth IDB also cover the upper reaches of the River Aire, the main catchment of which is in Yorkshire.

## Flood Risk Management: Partnership Structure



