

Scrutiny Committee

Meeting to be held on Thursday, 13 April 2017

Electoral Division affected:
(All Divisions);

Flood Risk Management Works Programme in Lancashire

(Appendices A, B, C and D refer)

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Executive Summary

At its meeting on 13 May 2016, the Committee received a report outlining the county council's involvement in response and recovery to the wide-spread floods in December 2015, and the subsequent flood risk management activities delivered in partnership with the Lancashire Resilience Forum, the Environment Agency and other partner organisations.

This report updates the Committee as requested on progress with repairs and diagnostics for longer term repairs and programmes of works, and informs on how work is progressing to increase the resilience of communities and improve communication.

Recommendation

The Committee is recommended to receive the report and note its contents.

Background and Advice

In September 2016, the county council published its report on its statutory investigation into the December 2015 flooding events and its assessment of how the various flood Risk Management Authorities responded, in accordance with the requirements of Section 19 of the Flood & Water Management Act 2010. The report and its supplemental technical summaries of progress at the individual flooded locations can be accessed on the council's website at <http://www.lancashire.gov.uk/council/performance-inspections-reviews/environmental/flood-investigation-report.aspx>

The Section 19 report identifies how the weather conditions of November and December 2015 resulted in extreme surface water flows in the county's rivers, water courses and formal drainage systems. At times the rainfall overwhelmed the capacity

of these flow routes and lead to flood water damaging many homes and disrupting key public infrastructure for long periods of time.

It is an underlying commitment of all Flood Risk Management Authorities (RMAs) (see Appendix A for a list of which organisations are RMAs) to manage flood risk and to minimise the potential impacts of flooding on our people, our communities and our businesses. Investigations, communication projects and programmes of work were already in place before the December 2015 floods and have continued to be delivered through the subsequent recovery period. These commitments have been supplemented by numerous new and supplemental areas of activity arising from the December 2015 floods.

During discussions in the Scrutiny Committee meeting of May 2016, a number of flood risk-related topics were identified to be of general interest, and updates are now available as follows:

1. Communication & resilience plans – internal and external

- Increased information and guidance on flooding and post-flooding actions have been made available to the public. A section of the public-facing website has been dedicated to providing information around flooding issues which can be found here: <http://www.lancashire.gov.uk/flooding> . This covers information for before, during and after floods; and includes a newly-commissioned animation to help deliver the message in a user-friendly way. This is part of the process to increase the visibility of the County Council during floods, the lack of which was a post-event criticism of the response.
- The Environment Agency also provides a wide range of information on flood risk, flood warnings, flood preparedness, capital and maintenance investment, and advice and requirements for those working on watercourses (see: <https://www.gov.uk/topic/environmental-management/flooding-coastal-change>).
- Escalation procedures have been developed for the County Council's Customer Access Service (CAS) to increase provision during evenings/weekends/bank holidays in the event of a large-scale incident. As part of the process to increase the visibility of the County Council, and to provide a better conduit for advice during an incident, further escalation procedures have been put in place for CAS. These procedures enable CAS to call in off-duty staff at short notice to deal with an increased demand during incidents. This should address some of the issues encountered by the public who mistakenly thought "LCC was closed for business" over the December 2015 Boxing Day weekend/bank holiday flooding period.
- During spring/summer 2016, all services within the County Council produced Service Resilience Plans (SRPs) which encompass business continuity and response arrangements for each service. These SRPs work alongside the newly created Corporate Emergency Response Plan (CERP) and - together with a number of plans and guidance documents - form the LCC Emergency

Plan Suite. The CERP details how the County Council will respond to an emergency, and the various levels of response that are in place. The majority of incidents will be managed through the on-call Emergency Duty Officer linking in with other services as required. However if there is a need for the response to be co-ordinated more widely, an 'LCC Emergency' will be declared. This declaration provides the trigger for the authority to recognise that a larger scale incident has occurred, and provides the mechanism for the release of staff and resources to support the incident. The SRPs and the CERP were exercised and validated as a whole in November 2016 and have been further tested and adapted as part of the specific-service response during other wider-ranging exercises.

- To enable more rapid refreshing of information on the public-facing website, all Communications Duty Officers can now update the website remotely from outside of County Council premises e.g. home, multi-agency control centres, other agency premises etc.
- Democratic Services will now provide a liaison link for services to elected members during large scale emergencies to enable them to be kept up to date with developments. This goes hand-in-hand with arrangements for the Emergency Planning Cabinet Lead to act as the single point of contact for elected member enquiries during large scale emergencies. It is hoped these arrangements will help the flow of information whilst releasing operational staff and managers to deal with the incident.
- A new training regime for LCC officers and members has been produced to increase the understanding and knowledge around the County Council's incident response.. The prospectus can be found on the intranet via this link: <http://new-lccintranet/news/2017/march/emergency-training/>
- Community resilience is vitally important in a range of incident scenarios and the County Council is actively working towards increasing the self-help capability across Lancashire; for example existing community resilience groups and district councils have been offered support around the creation of emergency plans, and help and advice is available to them on matters such as funding, insurance, training and the exercising of plans. To date 33 groups have been identified and are at various stages of consideration and development. Further existing or potential groups are currently being assessed and this encapsulates work looking at the role of Parish and Town Councils in light of correspondence from Andrew Percy, MP (Member of Parliament for Resilience) urging Parish and Town Councils to help their communities to be better prepared.

2. Flood risk within the planning process

The new statutory duty to consult the lead local flood authority on flood risks arising from new development commenced during April 2015. Since then, the County Council's Flood Risk Management team (FRM) has received around 70 consultations each month from the local planning authorities (LPAs), of which typically 60 meet the statutory parameters for a response within 21 days. Numbers of consultations are steadily growing.

If circumstances arise where this deadline can't be met, officers seek an agreed extension from the planning team in order to ensure their advice is still offered within a practical timescale.

Over 50% of initial responses advise the planning teams that developers have failed either to complete the various tests or to supply all the required information to explain their decision-making and to demonstrate the sustainability of their surface water management proposals. This situation always leads to further engagement for FRM officers with the developers and the planners over the quality and meaningfulness of the required details and has no direct bearing on the final quality of the drainage proposals and future maintenance obligations.

FRM is currently working to establish a service to offer advice to developers before they make their planning application (known as 'a pre-app service'), to aid developers in understanding the various flood risk constraints of their potential sites and to understand how best to supply evidence that their schemes are sustainable and appropriate.

The Environment Agency is also a statutory consultee for certain types of development as set out in the Development Management Procedure Order (2015). They also request that local authorities consult them on other types of development in which they have an interest. These development types are set out in their Development Management Consultation Checklist, which is provided to the LPAs. The Environment Agency has the same statutory duty as the County Council to respond to any planning consultations from LPAs within 21 days, unless agreed otherwise. The responses to planning application consultations provide detail on the constraints in which the EA has an interest, e.g. flood risk, and whether the application provides sufficient information for the EA to be able to make an informed response to the proposals. The EA's responses may form an objection, make request for conditions, or identify no issues. The EA also provides a preliminary opinion to LPAs and developers for pre-application advice requests and aims to respond to these within 21 days.

In 2016, the EA was consulted on 357 planning applications in Lancashire (with a further 15 in the unitary authorities of Blackpool and Blackburn with Darwen). These figures do not include pre-application enquiries or charged advice.

3. Regulatory framework

The County Council's key area of regulatory activity is the assessing of proposals and giving Land Drainage Consent for any works or alterations affecting flows in water courses. Watercourses include drains, streams, ditches, and passages through which water flows that do not form part of main rivers.

There are on average 15 new applications for Land Drainage Consent each month, which are all awarded consent once any potential concerns have been addressed with a redesign or with conditions. A fee of £50 is charged for each application.

Enforcement of flows in watercourses is another activity arising under this heading. 'Enforcement activity' includes all steps from politely pointing out to a landowner what his/her obligations are under the Land Drainage Act 1991 to maintain flows across their land, to serving notice on a landowner that they must remove an obstruction because it is causing a flood risk. As with all the County Council's enforcement activity, every situation is judged on its own merits and investigated thoroughly before a decision is taken to start enforcement activity; every reasonable measure is taken to limit the various risks to the County Council that might arise from serving notice as well as from not serving notice; and any enforcement activities are operated under the County Council's Ordinary Watercourse Consenting and Enforcing Policy, which can be accessed from the website www.lancashire.gov.uk .

Under the powers granted by the Environmental Permitting Regulations (2016), permits are issued by the Environment Agency for flood risk activities on main rivers. Permits fall into one of four categories:

- exemptions (low risk activities);
- exclusions (minor activities and emergency works);
- standard rules (moderate risk activities usually affecting a limited length of watercourse); and
- bespoke permits (higher risk activities and those effecting a wider area).

The Environment Agency charges £170 for the first permitted activity at a site and £40 for each subsequent activity. From 1 April 2017, a charge of £70 a permit will also be made for compliance checking. All permits must be determined within 2 months. Approximately 160 permit applications are received in Lancashire each year. It is interesting to note that since December 2015, the Lancashire team has consistently received the second highest number of permits of any county team nationwide after Cumbria.

The Environment Agency carries out enforcement activity where required on a similar basis to the County Council. Its enforcement powers derive from the Environmental Permitting Regulations (2016) and enforcement action is typically limited to locations where flood risk has been increased because permits have not been applied for, or where the conditions of a permit are not being adhered to.

4. Partnership Working

The local RMAs (see Appendix A) meet regularly and collaborate at strategic, tactical and operational levels to ensure that matters of joint interest are researched, developed and delivered by the most appropriate organisation or group of organisations.

For example, the bathing water quality of Wyre's, Blackpool's and Fylde's beaches is an important public safety and economic factor for these authorities, and is strongly influenced by the way United Utilities plc' (UU) public sewers function in the area. It is crucial to all authorities that rainfall during storm events has as little impact as possible on the foul sewage component of the local drainage networks, and UU is currently delivering a multi-million pound investment in the Blackpool area to improve their assets in this regard. Blackpool Council and Wyre Borough Council's coastal flood defences have been specifically designed to facilitate UU's new storm water management facilities with minimal impact in the public realm, and at minimal additional cost to all parties.

More locally, it is frequent practice for local highways officers to meet UU inspectors and district council officers on site to agree the most achievable solutions to localised drainage network problems.

Drainage and flooding issues are often complex for historical reasons, as well as difficult to unravel because they are physically buried underground or they encompass large catchment areas with multiple landowners and organisational boundaries. With public sector funding constraints clearly remaining a challenge for the foreseeable future, partnership working remains an important means of continuing to give the best service for our people and businesses.

The Environment Agency undertakes a variety of maintenance works on main rivers, some of which is in cooperation with other RMAs. It spends in the regional of £1.7M a year in Lancashire on such work (which includes a range of activities such as asset inspection, mowing, flailing, tree management, weed removal, debris clearance, silt dredging etc.). Details of what, where and when EA work will be undertaken can be found at <https://www.gov.uk/government/publications/river-and-coastal-maintenance-programme>.

Since December 2015, the Environment Agency has also spent approximately £5.5M across Lancashire on repairing main river flood defences that were damaged by storms Desmond and Eva. This has been known as its 'Recovery Programme' and has resulted in work at 65 separate locations. Details of this programme (including locations and work descriptions) can be found at https://www.google.com/maps/d/viewer?mid=1_fEBkzrsqVF3C61LzVKff0QULWA

5. Grant opportunities

There are two key categories of flood grant opportunities as follows:

a) Direct to affected parties

Various public sector grant opportunities were made available to residents and businesses affected by the December 2015 flooding only. Other organisations provide charitable support on a longer-term basis. The known sources of funding in this category are set out in detail at Appendix B.

b) Studies, schemes, works and research initiatives

Flood and Coastal Erosion Risk Management Grant in Aid is made available by the Department of Environment, Food and Rural Affairs to RMAs for the study, development and delivery of schemes designed to reduce flood risk to homes. These grants require match-funding for the schemes, which can come from the RMAs themselves, as well as from other interested parties. This 'partnership funding' can be achieved in a variety of creative ways. Recent experience in Lancashire has included contributions in the form of money from parish councils, landowners waiving compensation, and unclaimed staff time from partner organisations. It is a strict requirement of the national Grant in Aid programme that efficiencies must be delivered and demonstrated, for example by clustering similar projects together to take advantage of economy of scale, standardising manufacturing techniques on a major scheme, or re-scaling a project following detailed evaluation and before works start on site.

The Grant in Aid projects currently underway or scheduled to commence in Lancashire within the next 3 years are set out in the schedule at Appendix C.

Also in this category, the North West Regional Flood and Coastal Committee invests its Local Levy in schemes and projects that aren't eligible for Grant in Aid. This currently includes contributing to the partnership funding of Grant in Aid projects (most recently at the Croston dam in Chorley, and potentially for schemes in Lancaster and Whalley subject to further details becoming clear), as well as funding experimental natural land management techniques in rural catchment areas, and supporting community resilience projects.

The Local Levy projects currently underway or scheduled to commence in Lancashire are set out in the schedule at Appendix D.

6. Scrutiny of flood incident reports

In its role as lead local flood authority, the County Council is responsible for investigating flood incidents to the extent that it finds necessary, with the purpose of identifying whether each RMA involved has discharged (or still intends to discharge) its responsibilities. The findings of these investigations must then be published in accordance with Section 19 of the Flood & Water Management Act 2010.

Following the December 2015 flooding in Lancashire, the County Council investigated the weather conditions that led up to the flooding, identified all the 227

separate incidents reported to the various RMAs, and worked with the RMAs in order to report responsibly on the actions taken before, during and after the flooding. This 'Section 19 report' was published in September 2016 in a format that was felt to be relevant to the scale of the flooding events investigated. Since that time, a series of technical updates reporting further details relating to the local incidents has been produced and published on behalf of the Lancashire RMAs.

In its Final Recovery Debrief Report for the Storms Desmond and Eva (December 2015), the Lancashire Resilience Forum (LRF) expressed a view that the completion of the Section 19 Report was undertaken 'within the timescales permitted however, the content varied to that produced by a neighbouring authority which caused some concerns'. Should a Section 19 report of such a scale and scope be required again, the lead local flood authority will aim to seek early advice from the LRF regarding what type of content it would like to see, but it will retain the responsibility for investigating and reporting in accordance with the particular circumstances of the events under investigation.

Consultations

Officers of the Lancashire and Cumbria Environment Agency team have been consulted and have contributed to the production of this report.

The council's Health, Safety and Resilience Service (formerly Emergency Planning and Resilience Service) has also been consulted and has contributed to the production of this report.

Implications:

This item has the following implications, as indicated:

Risk management

The Committee's review of this report and recommendations arising will help the county council and its partners to develop improved ways to reduce the risks of flooding to Lancashire's people and property. In this context, the risks include:

- Damage to homes and contents;
- Damage to the natural environment;
- Disruption to economic activity;
- Uncertainty and perception of threat leading to health and welfare problems.

Financial Implications

There are no financial implications arising from consideration of this report.

Legal Implications

There are no legal implications arising from consideration of this report.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A