

# **WIRRAL COUNCIL**

## **CABINET**

**17 MARCH 2011**

<b>SUBJECT:</b>	<b>WIRRAL FLOOD &amp; WATER MANAGEMENT</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF TECHNICAL SERVICES</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b><i>COUNCILLOR LESLEY RENNIE STREETSCENE AND TRANSPORT SERVICES</i></b>
<b>KEY DECISION?</b>	<b>NO</b>

### **1.0 EXECUTIVE SUMMARY**

- 1.1 The Flood & Water Management Act 2010 and the Flood Risk Regulations 2009 create Lead Local Flood Authorities at Unitary or County Council Level. Lead Local Flood Authorities (LLFA) are required to lead the strategic management of local flood risk (arising from surface water, groundwater and ordinary watercourses) and to approve and adopt Sustainable Urban Drainage Systems (SUDS).
- 1.2 Wirral is at risk of local flooding, with approximately 14000 domestic properties identified as 'at risk from flooding'. These new powers place a substantial new burden on Wirral Council to manage these risks. This report provides an introduction to these new responsibilities and details initial work on their implementation.

### **2.0 RECOMMENDATIONS**

#### **2.1 Cabinet is requested to:**

- (1) Note the significant new burdens that have been placed on LLFAs under the Flood & Water Management Act 2010 and the Flood Risk Regulations 2009 and the corresponding financial allocation made to Wirral Council from DEFRA for this purpose.
- (2) Recognise the work of the Wirral Flood Group and endorse the establishment of a Wirral Flood & Water Management Partnership.
- (3) Request the Wirral Flood & Water Management Partnership scrutinise the Preliminary Flood Risk Assessment (PFRA) prior to its submission to the Environment Agency in June 2011.

### 3.0 REASONS FOR RECOMMENDATION/S

- 3.1 The Flood and Water Management Act 2010 requires each LLFA to develop, maintain, apply and monitor, a strategy for local flood risk management in its area and also be responsible for ensuring that the strategy is put in place. Local flood risk, which the LLFA is responsible for managing, includes surface runoff, groundwater and ordinary watercourses (including lakes and ponds). The Environment Agency (EA) is responsible for managing flood risk from main rivers, the sea and reservoirs.
- 3.2 The Act sets out the minimum amount that a local strategy must contain, and the LLFA is required to consult with risk management authorities and the public. Risk management authorities are identified as district councils, internal drainage boards, highways authorities, water companies and the EA. LLFAs need to consider the full range of measures consistent with a risk management approach in developing their local flood risk strategy. Resilience and other approaches which minimise the impact of flooding are expected to be a key aspect of the measures proposed.
- 3.3 The Flood Risk Regulations 2009 implement the requirements of the European Floods Directive, which aims to provide a consistent approach to managing flood risk across Europe. The approach consists of a six-year cycle of planning based on a four-stage process of:
- i Undertaking a Preliminary Flood Risk Assessment (PFRA).
  - ii Identifying flood risk areas.
  - iii Preparing flood hazard and risk maps.
  - iv Preparing flood risk management plans.
- 3.4 The PFRA process represents the first stage in delivering community specific flood risk management and action plans. The Environment Agency has a key role in delivering an array of data sets, which will enhance our understanding of local flood risk and contribute to the PFRA process. The LLFA (Wirral Council) will be required to verify these data sets based upon the best local knowledge, assess significant risk and the interactions of the different flood types and submit the PFRA to the Environment Agency by June 2011.
- 3.5 Wirral is in an advantageous position in that ongoing contact with local partner organisations is already well established via the Wirral Flood Group. In order to meet the full duties of the new legislation and following the advice set out by the Head of Legal and Democratic Services in **Appendix 1**, the Wirral Flood Group agreed to a revision of their terms of reference. To fully reflect true partnership working it was also agreed to request a re-designation to the ***Wirral Flood and Water Management Partnership***. A copy of the terms of reference and strategy document is attached at **Appendix 2**.

### 4.0 PROGRESS ON FLOOD AND WATER MANAGEMENT ISSUES

- 4.1 The first parts of the Act commenced on 1 October 2010. These included new definitions of flooding, the requirement to develop national and local flood risk management strategies and amendments to sewer adoption processes. Currently DEFRA anticipate that the remainder of the Act will commence in

April 2011. The exception being the SUDS section, for which there is no clear timetable for implementation (anticipated late in 2012).

4.2 In May 2010, Wirral Council created and appointed a new Drainage Team Leader to coordinate the implementation of the Act and regulations. Below is a summary of progress that Wirral Council have made to date in implementing the Act and Regulations:

- Wirral established a Wirral Flood Group, with cross party representation that reports into the Sustainable Communities Overview & Scrutiny Committee.
- Wirral established an operational flood working group with representation from United Utilities, EA and Council, which reports into the Wirral Flood Group.
- Commenced data collection for the PFRA.
- Wirral Council has been liaising with all risk management authorities to explain the implications of the Act and to establish working relationships.

4.3 A copy of the Wirral Flood & Water Management Partnership Action Plan is attached at **Appendix 3**. This Action Plan captures the key activities that will be undertaken by the Partnership over the coming two years.

## **5.0 BACKGROUND AND KEY ISSUES**

5.1 LLFAs are responsible for carrying out their PFRA and are required to produce an approved and scrutinised report and accompanying data to the EA by the 22<sup>nd</sup> June 2011. The EA has a duty to review, collate and publish the required reports by the 22<sup>nd</sup> December 2011. In order to ensure compliance with this mandatory schedule Cabinet are being asked to delegate the scrutiny of the PFRA to the Elected Members of the Wirral Flood & Water Management Partnership.

## **6.0 RELEVANT RISKS**

6.1 Wirral faces a significant risk of flooding. The EA have indicated some 14,000 domestic properties rest in at risk flood zones. Learning from recent national floods have demonstrated what a devastating psychological impact flooding can have on affected communities. Wirral continues to lead the way in proactively managing the risk of flooding and the members of the Flood & Water Management Partnership will continue to work together to eradicate the risk of property flooding here on Wirral.

## **7.0 OTHER OPTIONS CONSIDERED**

7.1 Not relevant.

## **8.0 CONSULTATION**

8.1 There is no consultation required as a result of this work.

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

9.1 Flooding affects all voluntary, community and faith groups whether it be directly with their properties being flooded, or in a responder or recovery capacity.

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

10.1 There are no specific financial implications as DEFRA have begun the funding for these new duties. An allocation of £20,000.00 was made on the 5<sup>th</sup> October 2010 to begin the work on the PFRA.

10.2 In addition to this initial grant, DEFRA have indicated that nationally some £36million has been allocated to fund the significant new burdens that have been placed on LLFA's. Wirral Council have been notified that it will receive £122,800 in 2011/12 and a subsequent £167,900 annually in years 2012/13, 2013/14 and 2014/15.

10.3 These costs have been calculated based on a model of the significance of the risk to the LLFA and the level of resource required to address that risk.

## **11.0 LEGAL IMPLICATIONS**

11.1 There are no legal implications other than the duties imposed under the new legislation.

## **12.0 EQUALITIES IMPLICATIONS**

12.1 There are no Equality implications.

## **13.0 CARBON REDUCTION IMPLICATIONS**

13.1 There are no specific carbon reduction implications although there are significant links with carbon reduction and sea level rises and increases in extreme weather patterns. As a result the Council's Climate Change Officer is a member of the Wirral Flood and Water Management Partnership.

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

14.1 There will be significant planning implications in relation to this new legislation. As a result of which relevant officers from the Forward Planning and the Development Control sections are members of the Flood and Water Management Partnership.

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## APPENDICES

- Appendix 1 Briefing Note on the Flood and Water Management Act 2010:  
Discharge of Duty and Functions
- Appendix 2 Wirral Flood and Water Management Partnership Strategy and Terms  
of Reference.
- Appendix 3 Wirral Flood and Water Management Partnership Action Plan

## REFERENCE MATERIAL

- The Governments Response to Sir Michael Pitt's Review of the 2007 Floods  
<http://www.defra.gov.uk/environment/flooding/documents/risk/govtresptopitt.pdf>
- The Flood & Water Management Act  
[http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga\\_20100029\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf)
- The Flood & Water Management Act explanatory notes  
<http://www.legislation.gov.uk/ukpga/2010/29/notes/contents>
- The Flood Risk Regulations  
<http://www.legislation.gov.uk/uksi/2009/3042/contents/made>
- What does the Flood & Water Management Act mean for Local Authorities, Defra.  
<http://www.defra.gov.uk/environment/flooding/documents/policy/fwmb/fwma-lafactsheet.pdf>

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date