

WIRRAL COUNCIL

CABINET 24 NOVEMBER 2011

SUBJECT:	FLOOD RISK MANAGEMENT RESPONSIBILITIES AND THE PURCHASE OF HYDRAULIC MODELLING SOFTWARE
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF TECHNICAL SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR HARRY SMITH STREETSCENE AND TRANSPORT SERVICES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The Flood & Water Management Act 2010 and the Flood Risk Regulations 2009 established Wirral Council as a Lead Local Flood Authority (LLFA). LLFAs are required to lead the strategic management of local flood risk (arising from surface water, groundwater and ordinary watercourses).
- 1.2 Wirral is at risk of local flooding, with a substantial number of domestic properties identified as at risk from potential future flooding. The responsibilities attached to the LLFA role, place substantial new burdens on Wirral Council in managing these flood risks.
- 1.3 This report identifies these new responsibilities and duties and further to the recently revised Contract Procurement Rule 19.1 Cabinet is requested to approve for the purchase of the WinDes Hydraulic modelling software from Micro Drainage at a cost of £11861.25 which can be funded from DEFRA grants.

2.0 RECOMMENDATIONS

- 2.1 That Cabinet approve the purchase of the WinDes software modules in the sum of £11,861.25 for the reasons stated in this report.

3.0 INTRODUCTION:

- 3.1 The requirements of the EU Floods Directive (Directive 2007/60/EC, the assessment and management of flood risks across EU Member States) in England and Wales was transposed into domestic law through the Flood Regulations 2009 and the Flood and Water Management Act 2010, placing new flood risk management duties on the Environment Agency (EA) and Lead Local Flood Authorities (LLFAs).

- 3.2 This legislation has and will continue to place new additional duties and responsibilities on each LLFA. These new duties and responsibilities include:
- A requirement to develop strategies for local flood risk management;
 - To co-operate and share information with powers to request information;
 - Responsibility to investigate flooding that it considers necessary or appropriate;
 - Duty to maintain a register of structures or features that in its opinion are likely to have a significant effect on flood risk.
 - To enable through Building Regulations the building of flood resilience and resistance.
 - Powers to carry out works or enforce obligations to carry out works and to consent works on ordinary watercourses.
 - A duty to establish a Sustainable drainage 'Approving Body' (SAB) with the responsibility to approve SUDs before construction commences and then adopt and maintain them upon completion.
- 3.3 These additional duties and responsibilities are, in general, being funded through financial grants, initially through DEFRA, with an allocation of £20,000, which was received in October 2010. In addition to this initial grant, DEFRA have made available nationally some £36million to fund the significant new burdens that have been placed on LLFA's. Wirral Council has additionally received £122,800 in 2011/12 and will receive subsequent funding of £167,900 annually in years 2012/13, 2013/14 and 2014/15.
- 3.4 DEFRA and the Environment Agency have identified that the development of skills to support the LLFA's duties and responsibilities in particular, to check, approve and adopt Sustainable Urban Drainage Systems (SUDs) will be critical. Fortunately, the implementation of SUDs has been delayed until late 2012, which will provide time for the skills, expertise and knowledge required to be developed.
- 3.4 In order for the Drainage Team to be able to continue to support the Development Control function in checking developer submissions (SUDs/SAB process) and successfully undertake the additional responsibilities to identify flood risk and possible solutions, it will need to be able to both check the hydraulic capacity of the existing drainage systems and any proposed developments/improvements. The majority of developer hydraulic designs submitted in the past have utilised the WinDes software package by Micro Drainage.
- 3.5 Although there are other hydraulic design software packages available, WinDes is the recognised industry standard sustainable drainage and flood hazard software for the civil engineering and environmental sectors, it is utilised by the majority of developers and is recommended by the Environment Agency. It is based around a singular interface enabling the software to be updated, as new modules are developed in-line with changing flood legislative requirements. It is a product only available to purchase from provider Micro Drainage, who have quoted for the individual software modules required to undertake hydraulic

modelling and the future design and checking required for the SUDs/SAB process. The purchase price of £11861.25 for this package, which includes a 25% discount, can be met from the additional financial grant funding received from DEFRA. At present Micro Drainage are also offering four free training days in the use of the software which would not only further enhance the skills set within the Drainage Team, but also provide a saving of approximately £2000 (training rates are approximately £500 per day).

- 3.6 Further to the Council's recently revised Contract Procurement Rule 19.1, Cabinet is requested to approve this purchase based on the reasons stated in this report.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 The Flood & Water Management Act 2010 and the Flood Risk Regulations 2009 established Wirral Council as a Lead Local Flood Authority (LLFA). LLFAs are required to lead the strategic management of local flood risk (arising from surface water, groundwater and ordinary watercourses). This new role requires the development of knowledge and new skills.

5.0 RELEVANT RISKS

- 5.1 Wirral faces a significant risk of flooding with a substantial number of domestic properties identified as at risk from potential future flooding. The increase in the skills and knowledge base within the Drainage Team will enable Wirral to better meet its new duties and responsibilities in connection with future flood risk.
- 5.2 The reduction of identified flood risk also partly mitigates one of the Council's Corporate risks – "Not having plans in place could compromise delivery of essential services in the event of a major public emergency".

6.0 OTHER OPTIONS CONSIDERED

- 6.1 Not relevant.

7.0 CONSULTATION

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

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

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

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 9.1 There are no additional financial implications.

10.0 LEGAL IMPLICATIONS

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

11.0 EQUALITIES IMPLICATIONS

11.1 There are no Equality implications.

12.0 CARBON REDUCTION IMPLICATIONS

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

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no planning implications in relation to this report.

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REFERENCE MATERIAL

- The Flood & Water Management Act 2010
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 2009
<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>

Council Meeting	Date
Cabinet Wirral Flood and Water Management (Minute 354)	17 March 2011
Cabinet Wirral Flood and Water Management (Minute 84)	21 July 2011