



**COUNCILLOR BERNADETTE
MOONEY**

CABINET

Monday, 18 July 2016

**WIRRAL LOCAL FLOOD RISK
MANAGEMENT STRATEGY**

Councillor Bernie Mooney, Cabinet Member for the Environment, said:

“Flooding has the capacity to impact on everyone in Wirral. It is important that we put in place a local strategy for the management of flood risk for the benefit of all Wirral residents.

‘We witnessed the very difficult circumstances experienced by some of our residents in Wirral in 2015, and this strategy will support our work to continue to improve our management of the risks of flooding so that – in as much as we are able – we manage the risk of similar incidents again.

‘Full consultation has been carried out, and the strategy proposed for Wirral has been endorsed by key stakeholders, including the Environment Agency’

REPORT SUMMARY

This Report sets the context for the requirement for a Local Flood Risk Management Strategy (LFRMS) for Wirral, describing how it fits within the Council’s statutory duties under the Flood and Water Management Act (FWMA) 2010.

The Report describes how the LFRMS has been produced and consulted upon. Governance arrangements for the management of flood risk in Wirral, Merseyside and the North West are set out, as are the roles and responsibilities of key Risk Management Authorities (RMAs).

The LFRMS identifies the various types of flood risk and coastal erosion, how these risks are currently managed and strategic principles for managing those flood and erosion risks which will guide the statutory role for Wirral Council as Lead Local Flood Authority (LLFA) in delivering its duties under the FWMA.

The management of flood and coastal erosion risk falls impacts directly on the following Environment Pledges in the Wirral Plan 20/20 Vision:

- **Wirral's neighbourhoods are safe** : Flooding and coastal erosion can increase the risk to life and property. By managing these risks in a strategic manner then the risks to neighbourhoods can be minimised.
- **Wirral residents live healthier lives** : The immediate impact on health following flooding is apparent however for those that live with the risk of flooding or coastal erosion the longer term health effects can be as serious. The LFRMS sets out a strategic approach, including on-going community engagement to allow those at risk to become involved in the management of flood risk.

This matter affects all Wards within the Borough.

This matter is also considered to be a Key Decision and as a consequence of the September 2015 flood event is considered to be high profile and therefore prudent to raise public awareness about the risk of flooding.

RECOMMENDATION/S

Cabinet is requested to approve the Wirral Local Flood Risk Management Strategy and accompanying Action Plan for the future management of flood and coastal erosion risk on Wirral.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1.1 The FWMA identifies new statutory duties for Wirral Council as LLFA. Section 9 of the FWMA requires production of a Local Flood Risk Management Strategy (LFRMS) which sets out how flood risk will be managed at a local level and in the strategic context of the National Strategy for Flood and Coastal Erosion Risk Management in England. Approval of the Wirral LFRMS ensures compliance with this statutory obligation.
- 1.1.2 The LFRMS has identified an Action Plan for future management of flood risk. By approving the Action Plan the Council can work with communities and partners to identify priorities for maximising government investment to deliver sustainable solutions for the delivery of flood risk management.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Production of a LFRMS is a statutory requirement under the FWMA. No other options were considered.

3.0 BACKGROUND INFORMATION

- 3.1 Following the 2007 floods across England, the Flood Risk Regulations 2007 and the Flood and Water Management Act 2010 were introduced by the government to implement the recommendations of the Pitt Review.
- 3.2 The FWMA identified LLFAs to help deliver flood risk management at a local level. Wirral Council is identified as a LLFA in the FWMA.
- 3.3 The FWMA also sets out the national strategic framework for flood risk management. The Environment Agency have developed the National Strategy for Flood and Coastal Erosion Risk Management in England which sets the context for the production of LFRMs under Section 9 of the FWMA by Lead Local Flood Authorities. The National Strategy has the overall aim of ensuring the risk of flooding and coastal erosion is properly managed by using the full range of options in a coordinated way.
- 3.4 Local Flood Risk Management Strategies are high level documents which:
 - assess local flood risk
 - identify objectives for managing local flood risk and;
 - identify how objectives can be achieved by utilising existing funding arrangements for flood and coastal erosion risk management

3.5 Assessment of Local Flood Risk

- 3.5.1 Wirral's LFRMS provides background information for the assessment of local flood risk initially by defining the roles and responsibilities of the various Risk Management Authorities (RMAs) with flood risk responsibility in Wirral.
- 3.5.2 Wirral Council as LLFA has responsibility for managing flood risk from "local" sources which are defined as flooding from ordinary watercourses, surface water and groundwater.

- 3.5.3 Wirral Council has other RMA responsibilities as Highway Authority, Coast Protection Authority and also as a Local Planning Authority.
- 3.5.4 The Environment Agency is an RMA with a strategic overview role in relation to flooding but it also has specific responsibilities for managing flood risk from main river, the sea and from reservoirs.
- 3.5.5 Sewerage undertakers United Utilities and Dŵr Cymru Welsh Water have RMA responsibility on Wirral for managing flood risk from water supply and sewerage systems.
- 3.5.6 Other internal and external organisations which also contribute to flood risk management are also identified in the LFRMS attached as Appendix 1 to this report.
- 3.5.7 The FWMA identifies a duty for all RMAs to work in partnership to manage flood risk. The Wirral LFRMS sets out the governance arrangements for this partnership working through
- North West Regional Flood and Coastal Committee (RFCC)
 - Merseyside Strategic Partnership
 - Wirral Flood and Water Management Partnership
 - Wirral Operational Flood Group
- These arrangements (from the bottom up) provide the framework for the delivery and monitoring of the LFRMS objectives, consistent working practices across Merseyside for delivery of flood risk management and also the structure for setting funding priorities for the delivery of flood risk management across the north-west.
- 3.5.8 The LFRMS identifies the vulnerability of Wirral to the types of flooding managed by the various RMAs and explains how each source has the capacity to increase flood risk. Section 5 of the LFRMS also identifies the historic and current risk posed by each of these flooding types, and also how this risk is intended to be managed in the future.
- 3.5.9 Prior to the introduction of the FWMA Wirral did not have status as LLFA and there was no requirement to maintain a register of flood risk locations. Some records exist which provide an indication of flood locations however the cause or type of these floods is not always recorded. Strategic planning documents, such as the Shoreline Management Plan, Wirral Coastal Strategy, Catchment Flood Management Plans and Wirral Strategic Flood Risk Assessment have been produced which draw upon these records to provide a picture of historic flood and coastal erosion risk locations.
- 3.5.10 Since the introduction of the FWMA, Wirral Council now has a statutory responsibility to investigate and report upon significant flood events. Wirral's policy for Section 19 Investigations was approved by Cabinet on 12th April 2012. There is a requirement to make the investigation reports publically available. These reports and underlying database of flood events now forms the basis for the definition of high flood risk locations in Wirral.
The publically available reports can be found on the Wirral internet site at :

<https://www.wirral.gov.uk/communities-and-neighbourhoods/emergencies/flooding/flood-monitoring-and-reports>

3.5.11 In addition the Wirral Coastal Strategy, approved by Cabinet in October 2012, identifies coastal areas on Wirral which are at risk of tidal flood and coastal erosion within 20 years.

3.5.12 Wirral's LFRMS identifies the current arrangements by the relevant RMAs to manage their respective flood risk across Wirral. The governance arrangements identified above allow for each RMA to fulfil their statutory responsibility for working in partnership and the LFRMS also acknowledges the requirement to consider and account for climate change when managing flood risk.

3.6 Objectives for Managing Local Flood Risk

3.6.1 The overall aim of the LFRMS is for Wirral Council, through its flood and coastal erosion activities and its on-going partnerships, to manage the local risk to people and their property through the following 5 Objectives:

Objective 1: Understand the local risks of flooding and coastal erosion, working together with partners, other risk management authorities, organisations and the community to identify the causes and put in place long-term plans to manage these risks and make sure that other plans take account of them;

Objective 2: Ensure that the guiding principles for sustainable development are applied and inappropriate development is avoided in existing and future areas at risk of flood and coastal erosion while elsewhere, carefully managing other land to avoid increasing the risks;

Objective 3: Where financially viable, build, maintain and improve local flood and coastal erosion management infrastructure and systems to mitigate or reduce the likelihood of harm to people and damage to the economy; environment (natural, historic, built and social) and society as a whole;

Objective 4: Increase public awareness of the effects of climate change and the implications for an increase in flood risk, engage with people specifically at risk of flooding, to encourage them to take action to manage and/or mitigate the risks that they face and to make their property more resilient;

Objective 5: Support and assist those bodies responsible for improving the detection, forecasting and issue of warnings of flooding. Plan for and co-ordinate a rapid response to flood emergencies and promote faster recovery from flooding.

3.6.2 The LFRMS includes an Action Plan which sets out a number of measures required for the delivery of the Objectives. The Action Plan is included as Appendix 2 to this report.

3.6.3 Wirral's Operational Flood Group is a partnership between the various RMAs at Wirral Council, the Environment Agency and the sewerage undertakers of United Utilities and Dŵr Cymru Welsh Water. This group will oversee the delivery of the

Action Plan by the each respective RMA. Progress of the delivery of the Action Plan will be monitored by the Wirral Flood and Water Management Partnership and also subject to scrutiny through Wirral's Overview and Scrutiny – Environment Committee.

3.7 Achievement of Objectives through delivery of Flood Risk Management

- 3.7.1 The FWMA sets out duties for Wirral, as LLFA which will enable it to manage local flood risk and deliver the objectives of the LFRMS.
- 3.7.2 Section 19 of the FWMA requires the LLFA to undertake an investigation and make a report publically available when a significant flooding event occurs. A consistent approach to the definition of "significant" is in place and the policy defining the Section 19 investigation is attached as an Appendix to the LFRMS.
- 3.7.3 Eight Section 19 Reports have now been published and these form the basis for the definition of high risk flooding locations in Wirral. The Section 19 reports all contain recommendations for the improvement of flood risk management and delivery of these recommendations through an Action Plan is also through the relevant RMAs that form Wirral's Operational Flood Group.
- 3.7.4 The most recent Section 19 Report covered the period August and September 2015 when widespread surface water, fluvial and sewer flooding occurred on Wirral. The Action Plan to deliver the recommendations of this report will also be developed by the Operational Flood Group and monitored by Wirral's Flood and Water Management Partnership.
- 3.7.5 Since April 2015, Wirral, as LLFA, has been a statutory consultee on the management of surface water for major Planning Applications. This requires the LLFA to work within the planning framework supported by the application of the Non-Statutory Technical Standards for Sustainable Drainage to reduce the risk of surface water flooding as a result of development. Furthermore at a local level the LLFA is working closely with the Local Planning Authority in developing appropriate policies for managing flood risk in Wirral through the emerging Wirral Local Plan.
- 3.7.6 The FWMA through amendments to the Land Drainage Act 1991, allocates responsibility to LLFAs for the management of fluvial flood risk from ordinary watercourses. Ordinary watercourses are generally smaller ditches and rivers whilst main rivers are larger "named" rivers for which the Environment Agency has flood risk management responsibility. Fluvial flood risk is managed through consenting and enforcement activities. Consents are required from LLFA for works to ordinary watercourses which have the ability to increase flood risk. LLFAs can also take staged enforcement action against the owners of ordinary watercourses where lack of maintenance has resulted in an increase in flood risk.
- 3.7.7 The Environment Agency has similar responsibilities for managing flood risk from main rivers through the issue and enforcement of environmental permits.
- 3.7.8 The LFRMS identifies the statutory responsibility to maintain a Flood Risk Asset Register. By producing and maintaining this register, features which have the

capacity to significantly increase flood risk are identified and lead to an improved understanding of the management of local flood risk.

- 3.7.9 Dŵr Cymru and United Utilities have responsibility for managing flood risk from sewers in Wirral. A partnership approach which leads to sharing of information and improved understanding is delivered through the Wirral Operational Flood Group. As RMAs, the sewerage undertakers' activities can be investigated through the FWMA Section 19 process during a significant flood event and recommendations for improved management of flood risk from sewers are agreed as part of this process.
- 3.7.10 The risk management activities identified above all lead to an improved understanding of local flood risk on Wirral. The LFRMS acknowledges that through Section 19 investigations areas at high risk of flooding can be identified, however further work is required, particularly into the investigation of surface water systems, to be able to understand the interaction between differing flooding sources and the economic damages that can be offset by improved flood risk management.
- 3.7.11 The Department for Environment Food and Rural Affairs provides grant aid funding for flood risk management which is administered through the Environment Agency. The EA forecasts this expenditure on flood risk management through its 6-Year Investment Programme which is updated on an annual basis. Wirral, as LLFA provide an annual update for all flood and coastal erosion risk management activities that have the ability to be funded by grant aid. The current lack of detailed knowledge around surface water flood risk is addressed by a proposal to undertake further investigation, study and modelling of surface water features in order to identify priority areas for further bids for investment in future. The priorities for the management of tidal flooding and coastal erosion identified in the Wirral Coastal Strategy are included a future schemes in the 6-Year Investment Programme.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Since 2011, Wirral Council as LLFA, has received funding to carry out its duties under the Flood and Water Management Act. The production of Wirral's LFRMS is a requirement under Section 9 of the Act.
- 4.2 In March 2016 Defra wrote to all LLFAs confirming continuation of the funding to March 2020, with the administrative arrangements identifying the funding as part of the Revenue Support Grant payable by the Department of Communities and Local Government.
- 4.3 The delivery of the LFRMS objectives is primarily through the funded activities of LLFAs, however where additional investment for studies or schemes is identified these will be subject to bids for grant aid administered by the Environment Agency supported by partnership funding through Local Levy and funding contributions from other RMAs.

5.0 LEGAL

5.1 Section 9 of the FWMA requires LLFAs to produce a Local Flood Risk Management Strategy for each area. Wirral Council is identified as a LLFA in the FWMA. By producing a LFRMS Wirral, as LLFA, is fulfilling its statutory obligations under the Act.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The production of the Wirral LFRMS has been undertaken by staff within the Regeneration and Environment directorate engaged in delivering FWMA duties.

6.2 Similarly the other FWMA functions required to deliver the objectives of the LFRMS will also be undertaken by staff within the Regeneration and Environment directorate.

7.0 RELEVANT RISKS

7.1 It must be demonstrated to the Environment Agency that bids for investment form part of an agreed strategy for the management of flood and coastal erosion risk. Failure to agree the Wirral Local Flood Risk Management Strategy may jeopardise Wirral's ability to successfully bid and secure grant aid for the improved management of flood risk.

8.0 ENGAGEMENT / CONSULTATION

8.1 The draft Local Flood Risk Management Strategy Consultation was open to consultation with the public and key stakeholders in February and March 2015. The draft LFRMS was made available on the Wirral internet site and all entries on the register of flooded properties identified through Section 19 investigations were contacted directly to advise of the consultation. Key stakeholders contacted directly included the RMAs within Wirral Council, the Environment Agency, United Utilities and Dŵr Cymru Welsh Water . All consultation responses have been considered and the draft LFRMS updated or amended as appropriate. Consultation responses and the actions taken are included in the Consultation Report to the LFRMS.

8.2 Statutory consultation was undertaken with Natural England and the Environment Agency on the development of the Strategic Environmental Assessment, Compliance with the Water Framework Directive and also compliance with Habitat Regulations.

8.3 In November 2015 Defra wrote to all LLFAs requesting that public consultation on LFRMS should be completed by the end of 2015 with the finalised LFRMS published by the end of March 2016. A response was submitted to Defra highlighting on-going statutory consultation with Natural England on the LFRMS Habitat Regulations Assessment and the intention to finalise and publish the LFRMS at soon as this consultation was complete. A letter of comfort was received from Natural England on 9th May 2016 which is included in the Consultation Report to the LFRMS.

9.0 EQUALITY IMPLICATIONS

- 9.1 The potential impact of approving the Wirral Local Flood Risk management Strategy has been undertaken and the impact review is attached. The review can be found at <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014-0>

REPORT AUTHOR: **Neil Thomas**

Team Leader Highway Assets
telephone: (0151) 606 2333
email: neilthomas@wirral.gov.uk

APPENDICES

Appendix 1 Wirral Local Flood Risk Management Strategy

Appendix 2 Action Plan to Wirral LFRMS

REFERENCE MATERIAL

The National Flood and Coastal Erosion Risk Management Strategy for England (Environment Agency) May 2011

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet Member Briefing Report – Environmental Protection Flood & Water Management Act : Significant Flood Investigation : August 22nd to September 2nd 2015	23 May 2016
Cabinet Member Report – Environment & Sustainability Wirral Local Flood Risk Management Strategy – Approval To Go To Consultation	6 January 2015
Sustainable Communities Overview & Scrutiny Committee (Minute 56 - Progress Report on the Implementation by Wirral of the Flood Risk Regulations	29 January 2013

2009 and the Flood and Water Management Act 2010)