



PARTNERSHIPS COMMITTEE

Thursday, 10 March 2022

REPORT TITLE:	FLOOD RISK MANAGEMENT UPDATE REPORT
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

The Flood and Water Management Act 2010 (FWMA) and Flood Risk Regulations 2009 established Wirral Council as a Lead Local Flood Authority (LLFA). LLFAs are required to lead the strategic management of local flooding sources (surface water, groundwater and ordinary watercourses).

In April 2015 LLFAs also became statutory consultees on major planning applications for the management of surface water.

This report summarises the governance arrangements in place to oversee the LLFA Flood Risk Management activities and reports on key flood risk management activities in 2020/21 and 2021/22.

Flood Risk Management aligns with both the Sustainable Environment and Safe and Pleasant Communities themes of the Wirral Plan 2021-26.

This matter affects all Wards within the Borough.

This is not a key decision.

RECOMMENDATION

The Partnerships Committee is recommended to note the content of this report and endorse the action taken with respect to flood risk management during 2020 and 2021.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The role of the Lead Local Flood Authority (LLFA) is defined in the FWMA . This report sets out how the LLFA has met those obligations in 2020 and 2021.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Wirral Council, as LLFA, has statutory obligations under the FWMA . This report sets out how the Council is complying with its duties so no other options are possible.

3.0 BACKGROUND INFORMATION

- 3.1 The LLFA previously reported annually to Overview and Scrutiny Committee with the last report made 12th March 2020, prior to its deletion. This report to the Partnerships Committee is made at the request of the Chair and will similarly report on the delivery of duties by the LLFA.

- 3.2 The FWMA sets out the statutory responsibilities of LLFAs in the management of flood risk from local sources (surface water, ground water, ordinary watercourses) and these are a:

- Duty to develop, maintain, apply and monitor a Local Flood Risk Management Strategy;
- Duty to co-operate with other Risk Management Authorities ;
- Duty to investigate flooding incidents. Report and publish on Significant Flood Events;
- Duty to establish, maintain and make publicly available a register of Flood Risk Assets, and a record of information about those assets (*Note: the record is not publicly available*);
- Duty to undertake consenting activities on Ordinary Watercourses which may impact on flood risk;
- Power to undertaken enforcement action on owners of ordinary watercourses where there is a flood risk;
- Power to designate flood risk structures or features; and
- Duty to provide consultation responses to major development proposals on the management of surface water.

3.3 FWMA Section 13: Co-operation with other Risk Management Authorities

Wirral Council, as LLFA, has put in place governance arrangements that fulfil the requirements of Section 13 of the FWMA. These are:

- Quarterly meetings of the Operational Flood Group attended by the Risk Management Authorities of the Environment Agency, United Utilities, Welsh Water and Wirral Council Highway Authority;
 - In 2020 meetings were held in February, June, September and December;
 - In 2021 meetings were held in April, June, September and December.

- Biannual meetings of the Wirral Flood & Water Management Partnership which are attended by the Risk Management Authorities of the Environment Agency, United Utilities, Welsh Water and Wirral Council Highway Authority in addition to other partners such as emergency services who have a flooding response role.
 - In 2020 meetings were held in February and September.
 - In 2021 meetings were postponed pending the appointment of Councillors to the Partnership. The process for the allocation of Members was resolved by the June 2021 Environment, Climate Emergency and Transport Committee.

At a regional and sub-regional level:

- Wirral Council is a member of the sub-regional Merseyside Flood & Coastal Erosion Risk Management Partnership which meets quarterly at two levels; Tactical (officer) and Strategic (Councillor).
 - In 2020 Strategic meetings were held in March, June, September and December. Tactical meetings were also held in March, June, September and December.
 - In 2021 Strategic meetings were held in March July and September. Tactical meetings were held in March, June, September and December.
- Merseyside representation is provided by Councillors on a rotational basis at the North West Regional Flood and Coastal Committee.

3.4 **FWMA Section 19: Investigate and Report Flood Events**

Section 19 of the FWMA requires the LLFA, where it becomes aware, to investigate flooding incidents in its area and, where it deems necessary, report on the investigation into the flood incidents.

The Section 19 Investigation Policy, approved by Cabinet in April 2012, sets out the requirements for investigation and reporting. Reporting is only deemed necessary when one or more of the following criteria are met during a single event:

- Caused internal flooding to 8 or more residential properties/business premises within a kilometre square area;
- Flooded one or more items of critical infrastructure e.g., a pumping station, an emergency services station, electricity sub-station, hospital etc, or;
- Caused a transport link to be totally impassable for a significant period.
- Category 1 highways (motorways) and rail links – 1 hour or more
- Category 2 and 3a highways – 2 hours or more
- Category 3b, 4a, 4b highways – 4 hours or more

- 3.5 A flood event occurred on 3rd November 2020 which triggered investigation and reporting under s19 FWMA. Data has been gathered for this event and the report will be published when completed.

3.6 In 2021, two separate flood events occurred that triggered investigation and reporting under s19 FWMA. The first event occurred on 20th January 2021 and data has been gathered for this event and the report will be published when completed. The second occurred on 9th September 2021 and data gathering is still underway with the report to be published in due course.

3.7 Prior to these three flood events occurring within a 10-month period, the last flood event to meet the triggers for a s19 investigation was in July 2017.

3.8 **FWMA Section 9: Local Flood Risk Management Strategy**

Wirral's Local Flood Risk Management Strategy was reported to Cabinet for Approval in July 2016. A review of the strategy is currently underway based on the revised National Flood and Coastal Erosion Risk Management Strategy which was published in July 2020.

3.9 **FWMA Section 21: Flood Risk Asset Register**

A register of assets which have the capacity to cause flood risk (with the same criteria as Section 19 investigations) through their failure has been created and is available for public viewing upon request. No requests were received to view the flood risk asset register in 2020 or 2021.

3.10 **Land Drainage Act 1991(as amended) : Ordinary Watercourse Regulation**

The Land Drainage Act 1991 (as amended) gives powers to LLFAs to regulate activities on ordinary watercourses which may impact on flood risk. Prior to 2012 this work was undertaken by the Environment Agency. This power broadly consists of two elements:

- The issuing of consents for any changes to ordinary watercourses that might obstruct or alter the flow of an ordinary watercourse; and
- Enforcement powers to rectify unlawful and potentially damaging work to a watercourse. For example, where riparian owners, through lack of maintenance, have impeded the free flow of water.

3.11 In 2020, one application for Ordinary Watercourse Consent was received and received consent under Section 23 of the Land Drainage Act. No applications were received in 2021. The LLFA has not yet had to take enforcement action against any riparian owner however one pre-enforcement notice was issued in 2021. The landowner is working with the LLFA to resolve the issue voluntarily and further enforcement action is not anticipated at present.

3.12 **FWMA Section 30 / Schedule 1: Designation of Flood Risk Features**

As LLFA Wirral Council has the power to formally designate a structure or feature which it believes may have an effect on flood or coastal erosion risk. No structure features in Wirral have been designated since the introduction of the FWMA in 2010.

3.13 **Development Management Procedure Order 2015: Statutory Consultee Role**

Since April 2015 the LLFA has been a statutory consultee for major developments which have surface water implications, providing a consultation response to the Local Planning Authority. Responses are based on national policy and guidance which set out that surface water flood risk should not be increased on site or off site as a result of development. Table 2 below sets out the number of consultations the LLFA has provided the Local Planning Authority with a substantive response to since 2015. These figures do not include re-consultations following an initial objection.

Table 2: Major Development Consultations

Year	Initial Applications (full, outline, reserved matters etc)	Discharge of Conditions	Pre-application Consultations
2015	20	1	-
2016	29	1	-
2017	34	4	-
2018	54	4	11
2019	40	11	13
2020	43	28	8
2021	40	26	15

4.0 FINANCIAL IMPLICATIONS

4.1 In December 2020, the Ministry of Housing, Communities and Local Government consulted on the 2021/22 Local Government Settlement. The consultation included proposals to cease publication of “visible lines” alongside the annual settlement. In February 2021, the Government announced that it would no longer produce Visible Lines for grants rolled in pre-2016-17. Funding for Wirral Council to deliver their Lead Local Flood Authority duties is now included in the overall Local Government Settlement.

5.0 LEGAL IMPLICATIONS

5.1 The role of the Lead Local Flood Authority as set out in this report is defined in the FWMA and the Land Drainage Act 1991 (as amended).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 The role of the Lead Local Flood Authority is to manage the risks associated from local sources of flooding such as surface water, groundwater and from ordinary watercourses.

7.2 This report sets out above the work undertaken by the LLFA in 2020/2021 in managing those risks.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Partner Risk Management Authorities will be consulted on Flood Investigation Reports produced in accordance with Section 19 of the FWMA and Wirral Council's Section 19 Investigation Policy prior to publication.

9.0 EQUALITY IMPLICATIONS

- 9.1 There is no impact on equality arising from the recommendations within this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Flood risk is linked directly to climate change. Flooding is a consequence of a changing climate and surface water flooding in particular is directly related to changing weather patterns. Higher intensity shorter duration rainfall events have the capacity to overwhelm existing drainage systems and cause surface water flooding.
- 10.2 The role of the LLFA, particularly through the planning process is to ensure that climate change is a key consideration for developers when sustainable surface water drainage systems are designed.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Through the LLFA's role as statutory consultee on major planning applications its role is to prevent new developments increasing flood risk elsewhere and where possible reduce flood risk overall. Working with the Local Planning Authority, the LLFA encourages the incorporation of green-blue infrastructure that has multifunctional benefits in addition to managing flood risk, such as amenity value and biodiversity.

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APPENDICES

None.

BACKGROUND PAPERS

Flood Risk Management Annual Report (12th March 2020)

Section 19 Investigation Policy

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Environment, Climate Emergency and Transport Committee.	14 th June 2021
Environment Overview & Scrutiny Committee	12 th March 2020