

12 MARCH 2020

REPORT TITLE	Flood Risk Management Annual Report
REPORT OF	Mark Smith, Interim Director Highways & Streetscene

REPORT SUMMARY

The Flood and Water Management Act (FWMA) 2010 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 2019. The Council will ensure Flood Risk Management and the work of the Wirral Flood & Water Management Partnership is effectively overseen by the new governance arrangements planned for introduction for the new municipal year.

Flood Risk Management supports the 'Wirral's neighbourhoods are safe' Pledge under the Environment item in the Wirral 2020 Plan and also supports the ambition of the Wirral Council Plan for 2025 by providing a cleaner, greener borough which defends and improves our environment. The Wirral Council Plan for 2025 also seeks to provide safe, pleasant and clean communities where people want to live and raise their families. Flood Risk Management also supports this ambition.

This matter affects all Wards within the Borough

This is not a key decision.

RECOMMENDATION/S

Members of the Overview & Scrutiny Committee are requested to note the content of this report and endorse the action taken with respect to Flood Risk Management during 2019.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The role of the Lead Local Flood Authority (LLFA) is defined in the Flood and Water Management Act (FWMA) 2010. This report sets out how the LLFA has met those obligations in 2019.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Wirral Council, as LLFA, has statutory obligations under the FWMA 2010. In order to comply with these obligations no other options are possible.

3.0 BACKGROUND INFORMATION

- 3.1 The report to the Environment Overview & Scrutiny Committee (OSC) in September 2018 (Minute 20 refers) obtained approval for revised Terms of Reference of the Wirral Flood and Water Management Partnership (WF&WMP) and appointment of three cross party working group representatives from the Environment Overview & Scrutiny Committee to the WF&WMP.

- 3.2 At the February 2019 meeting of the WF&WMP it was requested that an annual report be made to the Environment OSC on flood risk management activities. This report is in response to that request.

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

- Duty to develop, maintain, apply and monitor a Local Flood Risk Management Strategy
- Duty to co-operate with other Risk Management Authorities (RMAs)
- Duty to investigate flooding incidents. Report and publish on Significant Flood Events
- Duty to establish, maintain and make publically 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
- From April 2015, duty to provide consultation responses to major development proposals on the management of surface water.

3.4 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 RMAs of the Environment Agency, United Utilities, Welsh Water and Wirral Council Highway Authority.
 - In 2019 meetings were held in May, September and November.

- Biannual meeting of the Wirral Flood & Water Management Partnership which are attended by the RMAs 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 2019 meetings were held in February and July.

Additionally, at a regional and sub-regional level:

- Wirral Council is a member of the sub-regional Merseyside Flood & Coastal Erosion Risk Management (FCERM) Partnership which meets quarterly at two levels; Tactical (officer) and Strategic (Councillor).
 - 100% attendance was recorded by Councillors at Strategic meetings and 75% by officers at Tactical meetings held in 2019.
- Merseyside representation is provided by Councillors on a rotational basis at the North West Regional Flood and Coastal Committee (RFCC).
 - In 2019 Wirral Council attended two North West RFCC meetings, fulfilling 100% of their rotational representation.

3.5 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

In 2019 no flooding events occurred which triggered investigation and reporting under Section 19 of FWMA.

Table 1 below sets out the summary of flooding incidents recorded in 2019. This information is also reported to Merseyside FCERM Partnership and North West RFCC.

Table 1: Flooding Summary 2019

Location of Flooding	Number of Incidents
Internal Property	2
External Property	2
Highway	7

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

Wirral's Local Flood Risk Management Strategy (FRMS) was reported to Cabinet for Approval in July 2016. A review of the LFRMS was due in July 2019 however the Environment Agency are due to publish a new National FRMS in early 2020. Revised guidance to produce new Local FRMSs is expected following this.

In order to ensure any new or revised Local FRMS for Wirral is consistent with the National FRMS and guidance, the review of Wirral's LFRMS will take place once the new National FRMS has been published and revised guidance has been issued.

An update will be provided at the next WF&WMP meeting.

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

A register of assets which have the capacity to cause flood risk (same criteria as Section 19 investigations) through their failure has been created and is available for public viewing upon request.

In 2019 no requests were received to view the flood risk asset register.

3.8 **Land Drainage Act (as amended by FWMA): Ordinary Watercourse Regulation**

The Land Drainage Act 1991, as amended by the FWMA, gave 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;
- 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.

In 2019, three applications for Ordinary Watercourse Consent were received. All three applications received consent under Section 23 of the Land Drainage Act.

The LLFA has not yet had to take enforcement action against any riparian owner however pre-enforcement notices have been issued to 2 owners of ordinary watercourses in 2019. Both instances have been resolved voluntarily by the riparian owners and no further enforcement action has been necessary.

3.9 **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 or feature in Wirral has been designated since the introduction of the FWMA in 2010.

3.10 **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.

Table 2: Major Development Consultations

	2015	2016	2017	2018	2019
Full Application	12	22	30	45	35
Outline Applications	4	5	4	7	4
Reserved Matters Applications	1	2	-	2	1
Pre-App Enquiries	-	-	-	11	13
Discharge of Conditions	1	1	4	4	11

4.0 FINANCIAL IMPLICATIONS

4.1 For the financial year 2019/20 Wirral Council received non-ringfenced funding for the Lead Local Flood Authority function of £333,092. Table 3 summarises funding received since 2016/17, including funding for 2020/21.

Table 3: Funding administered from Government for undertaking LLFA duties

	2016-17	2017-18	2018-19	2019-20	2020-21
Lead Local Flood Authorities	153,420	156,323	159,361	162,169	164,812
<i>Element rolled-in from 2013-14</i>	122,872	125,205	127,644	129,796	131,911
<i>Element rolled-in from 2016-17</i>	30,548	31,118	31,717	32,373	32,901
Sustainable Drainage Systems	9,379	9,074	8,754	8,754	8,896
Total	316,219	321,720	327,476	333,092	338,520

5.0 LEGAL IMPLICATIONS

5.1 The role of the Lead Local Flood Authority as set out in this report is defined in the Flood and Water Management Act 2010 and the Land Drainage Act 1991 as amended by the FWMA 2010.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING 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 2019 in managing those risks.

8.0 ENGAGEMENT/CONSULTATION

8.1 There are no implications with regard to engagement or consultation arising from this report.

9.0 EQUALITY IMPLICATIONS

9.1 There are no equality implications arising at this time.

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.

REPORT AUTHOR: *Neil Thomas*
Flood and Coastal Risk Manager
Telephone: 0151 606 2333
Email: neilthomas@wirral.gov.uk

APPENDICES

None.

BACKGROUND PAPERS

Wirral Flood and Water Management Partnership (WF&WMP) Terms of Reference.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Environment Overview & Scrutiny Committee	20 September 2018