

Decision Maker: Executive

For Pre-decision Scrutiny by the Environment PDS Committee on 25th June 2013 and the Executive and Resources PDS Committee on 18th July 2013

Date: 24th July 2013

Decision Type: Non-Urgent Executive Non-Key

Title: **UPDATE ON THE IMPLEMENTATION OF THE FLOODING AND WATER ACT 2010**

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Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: All

1. Reason for report

- 1.1 Updates Members on the Council's second year of operation as a Lead Local Flood Authority.
- 1.2 Agree funding for the current financial year

2. **RECOMMENDATION(S)**

That the Executive approve the release of £220,000 from the 2013/14 Central Contingency to implement the proposals detailed in this report in order to meet the responsibilities required by the Flooding and Water Act 2010.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council Quality Environment:
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Financial

1. Cost of proposal: Estimated Cost: £220,000
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: Central Contingency
 4. Total current budget for this head: £253,000
 5. Source of funding: Grant funding from DEFRA for Flooding & Water Management Act implementation and Business Rates Retention
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Staff

1. Number of staff (current and additional): 2 fte
 2. If from existing staff resources, number of staff hours: 2 fte
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): borough wide
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

Background

- 3.1 The Flooding and Water Management Act 2010 (FWMA) requires the London Borough of Bromley, as a Lead Local Flood Authority (LLFA), to develop, maintain, apply and monitor a strategy for local flood risk management in its area. A report was previously considered by the Environment Portfolio Holder in April 2011, who agreed to delegate all responsibilities for the FWMA to the Director of Environmental Services.
- 3.2 In February 2012 a further report was brought to the Environment Portfolio Holder and Development Control Committee. This covered the implementation of further legislation requiring the Council to adopt the role of SAB (SUDS Approving Body) to approve Sustainable Urban Drainage Systems submitted by developers.
- 3.3 The LLFA has a duty to identify the causes of surface water flooding and determine those organisations or authorities that have a role in mitigating the flood risk. This report reviews the Council's progress in the role of LLFA, and considers responsibilities and activities for the coming year.
- 3.4 During the last year good progress has been made on implementing the FWMA:
- 3.5 **South East London Flood Risk Partnership** – as an LLFA we have been part of the South East London Flood Risk Group (SELRG), working in partnership with Bexley, Lewisham and Greenwich. The SELRG provides a forum at which officers and elected Members from each authority come together to exchange information, share experiences and identify opportunities for partnership working. Representatives from the Environment Agency and Thames Water Utilities regularly attend quarterly meetings, together with any other authority or organisation that has an interest in flood risk within its catchment area.
- 3.6 **Flood reporting** – a flood register has been established and populated with historic data on known flooding incidences. This will be used to record all future reports of flooding across the borough to use in subsequent investigations. While 2012 was the second wettest year nationally, in Bromley instances of significant flooding were relatively rare.
- 3.7 **Flood Asset Register** – As the LLFA we have a statutory responsibility to maintain a register of significant surface water drainage assets which may have an impact on future flooding in the borough. Condition surveys undertaken during the year have added further detail to our GIS records.
- 3.8 **Condition Surveys** – the condition of surface water drainage assets determine their effectiveness during storm conditions. As part of the asset survey, the condition of these assets has been recorded to identify any cleaning or other maintenance works that may be required. These will include soakaways, catchpits and ponds, as well as part of the critical pipe network controlled by Thames Water. Over the last year condition surveys have been targeted at locations with a known flood risk. Data from the surveys has been added to the Flood Asset register described above.

Future Responsibilities and Work Streams

- 3.9 **Local Flood Risk Strategy** – During 2012/13 a scoping exercise was undertaken to determine the way forward for a joint Local Strategy to be procured by the boroughs within the SELRG. The full document will be produced with the assistance of consultants during 2013/14. This is a mandatory document that must be submitted to the Environment Agency for publication. While there is no deadline for producing the document, LLFA's have been encouraged to have their strategies 'in the public sphere' by Autumn 2013.

- 3.10 The South East London Flood Risk Group's joint strategy is due to be out for public consultation by autumn 2013, and finalised and published by spring 2014.
- 3.11 **SUDS Approving Body (SAB)** – Introduction of the SAB role has been delayed, with the latest date being proposed by central Government of spring 2014. The outcome of the consultation exercise described in this report last year has been published, and we are waiting for detailed national standards to be published.
- 3.12 **Review of impounded water bodies** – the FWMA is going to introduce new standards for the management of reservoirs, and there will be new requirements to assess the risk associated with failure of the reservoir structure. There are 18 sites within the borough that may require regular statutory inspections under the FWMA, half of which are within LBB owned land. Asset and condition details of each site will be included in the Drainage Asset Management Plan.
- 3.13 **Public Engagement** – As the Local Strategy is produced we are obliged to conform to the national strategies template and include widespread stakeholder consultation including the public. Our current proposal is to make full use of the Bromley web site and mail shots to residents groups, to raise interest and encourage responses to a web-based survey.
- 3.14 **Retrofitting of SUDs** – during the last year LLFA funding has been used to subsidise and promote rain water harvesting at residential properties. Reduced price water butts have been available via the Bromley web page using the existing home composting campaign arrangements. 782 butts have been purchased by Bromley residents as a result of this initiative. Water butts sold over the first two years of LLFA operation could potentially reduce storm run off by 1,5m litres (330,000 gallons). While this figure is not significant in terms of flood reduction when considered over a borough the size of Bromley, the initiative promotes the concept of water harvesting at source to reduce run-off to the river network. It will also engage residents in a longer-term dialogue on the need to conserve water and reduce flood risk.
- 3.15 **Working with the Environment Agency** – The Environment Agency's programme of works is prioritised on the basis of the number of properties removed from flood risk areas. In marginal cases an LLFA can encourage works to proceed by actively engaging and/or providing a proportion of the funding. In the case of the Main River Ravensbourne at Addington Road, locally important river channel clearance works are progressing as a result of LBB works to clear silt from a culvert beneath the highway. The work to this river channel did not meet EA regional intervention levels but was funded because Bromley as LLFA was proactive and willing to commit DEFRA monies. There is more work still to be done at Addington Road and potentially at other Main River locations.

4. POLICY IMPLICATIONS

- 4.1 In order for the Council to fulfil the requirements of the FWMA, the Director of Environment and Community Services has delegated responsibilities for co-ordinating the tasks with other Council departments, including the introduction of the additional responsibilities of a SUDS Approval Body. It is proposed that this arrangement continues.
- 4.2 The Environment Portfolio Plan 2013-16 includes a commitment to minimise the risk of flooding through the role of Lead Local Flood Authority.

5. FINANCIAL IMPLICATIONS

- 5.1 In 2011/12 and 2012/13 DEFRA provided grant funding to the Council to carry out its new responsibilities under the FWMA.

- 5.2 Following the Autumn Statement in December 2012 the Department for Communities and Local Government announced that the Business Rates Retention scheme would be introduced from April 2013. As an LLFA, Bromley has been allocated £253k for local flood risk management during 2013/14. £142k is provided from the sum received for the Locally Retained Business Rates and the remaining £111k paid via the Local Services Support Grant.
- 5.3 A sum of £253k has been set aside in the Council's 2013/14 Central Contingency Sum for local flood risk management. It is proposed that £220k is now drawn down from this Contingency with the approval of the Executive. A sum of £33k would remain in the 2013/14 Central Contingency Sum which may be realised as a saving once full details of the Council's new responsibilities as a SUD's Approval Body are known.
- 5.4 The proposed budget for implementing the requirements of the FWMA is shown below;

	2013/14 (£'000)
Review and update LBB SFRA (Strategic Flood Risk Assessment)	20
Ongoing asset & condition survey of surface water drainage assets	40
Ongoing maintenance/improvement of surface water drainage assets	60
Produce Local Flood Risk Strategy	25
Impounded water body review	15
Contribution to Environment Agency Flood catchment initiatives (Green Space LLFA allocation)	50
Contribution to retro fitted SUDS to existing residential properties – water butts	10
Total	220

6. LEGAL IMPLICATIONS

- 6.1 The London Borough of Bromley has a statutory duty under the Flooding and Water Management Act 2010, as a Lead Local Flood Authority, to develop, maintain, apply and monitor a strategy for local flood risk management within the borough.

Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	ES11017 - Implications Of The Flooding And Water Management Act 2010