

Decision Maker: **Executive**

**For Pre-Decision Scrutiny by the Environment PDS Committee on
1st July 2014**

Date: **16th July 2014**

Decision Type: Non-Urgent Executive Non-Key

Title: **LEAD LOCAL FLOOD AUTHORITY
(FLOODING & WATER MANAGEMENT ACT 2010)**

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

Ward: All

1. Reason for report

- 1.1 The report considers the impact of the recent groundwater flood events, and seeks the Environment Portfolio Holder's views on the Council's involvement in future events.
- 1.2 Updates Members on the Council's role as the Lead Local Flood Authority.
- 1.3 Seeks agreement from the Executive to release dedicated Central Contingency funding to ensure the Council meets its statutory duties as the Lead Local Flood Authority.

2. **RECOMMENDATION**

That the Executive agrees to:

- 2.1 **Release a sum of £250,000 from the dedicated 2014/15 Central Contingency budget to implement the proposals detailed in this report.**

That the Environment Portfolio Holder:

- 2.2 **Considers LB Bromley's role in any future groundwater flooding events (paragraphs 3.30 to 3.32).**

Corporate Policy

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

1. Cost of proposal: Estimated Cost: £250,000
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: DEFRA grant held in Central Contingency for implementation of the Flooding & Water Management Act 2010
 4. Total current budget for this head: £250k
 5. Source of funding: Local Services Support Grant (LSSG) from DEFRA: £111k; and £139k through the settlement funding assessment (SFA)
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Staff

1. Number of staff (current and additional): 2
 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 (FWMA) 2010 requires the London Borough of Bromley, as the Lead Local Flood Authority (LLFA), to develop, maintain, apply and monitor a strategy for local flood risk management in its area.
- 3.2 In February 2012 a 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, including groundwater, and determine those organisations or authorities that have a role in mitigating the flood risk.
- 3.4 This report reviews the Council's progress in the role of LLFA, and considers its responsibilities and activities for the coming year.
- 3.5 The impact of the flooding experienced across the borough during the last eight months is also considered.

Progress

- 3.6 During the last year good progress has been made on implementing the FWMA, with most projects completed and a couple continuing this year.
- 3.7 South East London Flood Risk Partnership: As an LLFA LB Bromley been part of the South East London Flood Risk Group (SELRG), working in partnership with the boroughs of 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.
- 3.8 Local Flood Risk Strategy: A Local Flood Risk Strategy (LFRS) has been drafted as part of the joint procurement approach with SELRG, including dedicated appendices for each authority for whom borough-specific actions and priorities are detailed. Although there is a statutory requirement for public consultation on the LFRS, there is no deadline for production of the document. The likely publication date is December 2014; and the estimated cost is £20,000.
- 3.9 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.
- 3.10 Flood Asset Register: Our flood asset register continues to develop as a result of condition surveys and ad hoc investigations.
- 3.11 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. During the last year these surveys have been targeted at locations with a known flood risk, with data being added to the Flood Asset register. These will be continued this year at a cost of £20,000.

- 3.12 Publication of the Updated Flood Map for Surface Water (uFMfSW): Modelled flood risk mapping has been produced nationally by the Environment Agency on behalf of all LLFAs. This provides a detailed prediction of flood paths for a range of storm scenarios. The publication of this data was a requirement of the Flood Directive 2009. A link to this data was posted on the Bromley public web site in December 2013.

Groundwater Flood Events of 2013/14

- 3.13 In February 2014 significant flooding occurred nationally, and groundwater flooding returned at two locations in the borough; Borkwood Court in Sevenoaks Road, Orpington and the Addington Road area of West Wickham, for the first time since 2001, and according to records only the fourth time since 1883.
- 3.14 A report was considered by the then Environmental Services Committee following the groundwater flooding in 2001. Members took the view that no further assistance would be provided should groundwater return to either site in the future. Members also agreed that the Council should reserve its position to provide emergency relief to groundwater flood incidents in the future. This decision was taken prior to the Flooding and Water Management Act 2010 (FWMA), which specifically required LB Bromley as the Lead Local Flood Authority (LLFA) to develop, maintain, apply and monitor a strategy for local flood risk management in its area' including groundwater flooding . The Civil Contingencies Act 2004 also places a responsibility on LB Bromley following an event or situation which threatens serious damage to human welfare.
- 3.15 During the recent flood , excess water was initially removed from the two locations by Thames Water and the London Fire Brigade (LFB) respectively, until pumps were installed by LB Bromley as an emergency measure. The pump at Borkwood Court was removed after 12 weeks. Although water levels at Sparrows Den (Corkscrew Hill) have receded, pumping is still continuing downstream from the gardens of Courtfield Rise, West Wickham. A verbal update will be provided at the meeting.
- 3.16 Unfortunately the flood waters at both locations are below the level of any main river culverts or surface water sewers, and pumping will therefore always be required to protect the properties in these areas from future groundwater flooding. In 2001 groundwater from the gardens at Courtfield Rise was discharged directly into the adjacent river Ravensbourne main river culvert, but on this occasion the culvert did not have sufficient capacity until 30th May 2014 when water levels upstream had receded.
- 3.17 In 2001 the condition of the culvert in this area, and the level of the open watercourse further downstream were identified as contributing factors to the flooding. With the introduction of the FWMA in 2010 the Council, as the LLFA, adopted a partnering role with the EA, aiming to help secure funding for maintenance of the culvert and works to lower the water level within the open watercourse to the rear of Addington Road. £100k was eventually secured by the EA. Works on site commenced on 10th March 2014, improving the condition of these assets. The EA has secured additional funding to complete a detailed study of the Ravensbourne, and LBB will contribute £10,000 towards the study to identify additional maintenance requirements and agree how any future groundwater flooding events can be better managed.

Flood Funding schemes

- 3.18 Central Government has allocated funding via the DCLG for Council Tax and Business Rate relief for properties flooded over the wet winter. There is also a Repair and Renewal Grant scheme (RRG) which provides up to £5,000 for properties and businesses which were flooded internally between 1st Dec and 31st March. Following consultation with the Environment Portfolio Holder, the Council has agreed to administer this grant. The RRG provides funding for flood resilience measures over and above normal post flooding repairs; applicants are restricted to a list of prescribed resilience measures.
- 3.19 In the case of properties flooded by groundwater there is scope for community schemes in which RRGs are pooled to provide infrastructure that protects the whole site rather than individual properties. If residents support this response it may be appropriate for the LLFA to offer matched funding to support schemes that provide robust protection. Such action would comply with the LLFA's duty to manage flood risk, which explicitly includes groundwater flooding.
- 3.20 Once the EA study has been completed it is proposed that LBB consider contributing up to £30k towards the cost of installing infrastructure at Borkwood Court and Courtfield Rise in an effort to minimise the financial burden on the authority should groundwater flooding return in the future.

Future Responsibilities and Work Streams

- 3.21 SUD Approving Body (SAB): Enactment of schedule 3 of the FWMA has been delayed once again, and a central Government statement is due to be published in the summer. The latest proposal is for a restricted implementation, requiring applications to the SAB for developments of 10 or more properties or sites greater than 1 hectare. DEFRA has provided all LLFAs with a grant to help establish an SAB, with LB Bromley awarded £36,520. This funding will be used to implement appropriate systems and processes for the submission and approval of future SUDS schemes, including upgrading the Uniform ICT system operated by the Planning division to administer future SUDS applications.
- 3.22 Complete the review and update the LBB Strategic Flood Risk Assessment - £20,000
- 3.23 Surface water flooding improvement initiatives, including Chislehurst Common Conservators where urgent repairs on surface water culverts that link ponds to the Public Surface Water Sewers, post groundwater flood investigations and works and other surface water drainage improvement works - £50,000.
- 3.24 Publication of Flood Risk Management Plans: The Flood Risk Regulations 2009 require that Flood Risk Management Plans are published by 2015. LB Bromley's submission will be as part of a river basin district partnership organised by the Environment Agency.
- 3.25 Review of impounded water bodies: The FWMA introduced new standards for the management of reservoirs, and the Council is required 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 Council-owned land - £15,000.
- 3.26 Public Engagement: As the Local Strategy is produced we are obliged to conform to the national strategy's template, and include widespread stakeholder consultation including with the public. Full use will be made of the Council's public web site and mail shots to residents groups, to raise interest and encourage responses to a web-based survey. The increase in interest shown by the public into all matters flood-related following the 2013/14 wet winter highlights the need for a more detailed web-based presence to explain flooding and drainage responsibilities.

- 3.27 Working with the Environment Agency to investigate and improve main rivers, which are a vital part of surface water drainage across the borough's catchments – match funding of £80,000.
- 3.28 Where residents have received a grant under the Repair and Renewal Grant scheme (RRG) to protect their property from flooding in the future, it is proposed that match funding could be made available to assist householders to protect their property, where this initiative could save LBB from future expenditure - £30,000.
- 3.29 During the last three years local residents have been encouraged to retro-fit sustainable rainwater drainage to existing residential properties, through the installation of subsidised water butts. This initiative will be continued this year - £5,000.
- 3.30 The final point to consider is how to respond to future groundwater flooding events. The Council has no explicit legal duty to carry out pumping. However there is a clear public expectation that it will step in to protect residents' homes. This year's events have cost over £100,000 in officer time and equipment hire, fuel, maintenance, etc. The Council is unlikely to qualify for additional funding to support this type of work in future.
- 3.31 if the policy agreed in 2001 is sustained, householders would be expected to make their own arrangements – albeit with the opportunity to seek grant support in the short term. In this case it may be advisable to write to those properties affected periodically reminding them of their responsibilities. However the Council's duties in respect of flood risk have changed since the 2001 decision was taken, as set out in paragraph 3.14 above and Section 6 below.
- 3.32 The Environment Portfolio Holder's views are therefore sought on LB Bromley's role in any future groundwater flooding event, taking account of the advice of the Environment PDS Committee.

4. POLICY IMPLICATIONS

- 4.1 The draft Environment Portfolio Plan 2014/17 includes the following Aim and Objectives:

Aim	Minimise the risk of flooding
In 2014/15 we will:	
4.9: Increase flood risk awareness and develop resilience through our Lead Local Flood Authority role	
4.10: Adopt the role of Sustainable Urban Drainage Systems Approval Body, once national guidance has been published	
4.11: Develop and adopt a Local Flood Risk Strategy for Bromley	

- 4.2 In order for the Council to fulfil its statutory requirements under the FWMA, the Executive Director of Environment and Community Services has been given delegated responsibility for co-ordinating the tasks with other Council departments, including taking on the additional responsibilities of a SUDS Approval Body. It is proposed that this arrangement continues.

5. FINANCIAL IMPLICATIONS

- 5.1 Since 2011/12, DEFRA has provided grant funding to the Council to carry out its new responsibilities under the FWMA.

- 5.2 As an LLFA, Bromley has been allocated £250k for local flood risk management during 2014/15. £139k is provided through the settlement funding assessment (SFA) and the remaining £111k paid via the Local Services Support Grant (LSSG).
- 5.3 A sum of £250k has therefore been set aside in the Council's 2014/15 Central Contingency Sum for local flood risk management. Approval is sought from the Executive to release the £250k to fund the works detailed in this report and summarized in the table below: -

Activity	2014/15 (£'000)
Review and update LBB Strategic Flood Risk Assessment	20
Maintenance & improvement of surface water drainage assets	100
Produce Local Flood Risk Strategy (carried over from last year)	20
Impounded water body review (carried over from last year)	15
Contribution to Environment Agency Flood catchment initiatives/internal surface water flood risk management works and other internal surface water/ flood management projects	50
Contribution to retro-fitted SUDS to existing residential properties (water butts)	5
Survey/study/works in response to groundwater flooding event	10
Contribution towards community groundwater resilience measures	30
Total	250

- 5.4 During the recent groundwater flood event, £100k was set aside in an earmarked reserve to cover the costs of the groundwater pumping operations.
- 5.5 DEFRA has awarded Bromley an additional grant of £36,520 to help establish a SUD Approving Body. The grant will be used to implement systems and processes for the submission and approval of future SUDS schemes. This will include working with colleagues in Planning to update the Uniform ICT System.

6. LEGAL IMPLICATIONS

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

Emergency Planning and Corporate Resilience

- 6.2 The Civil Contingencies Act 2004 ("the Act") establishes a consistent basic level of civil protection activity across the UK. The Act divides local responders into two categories: Category

1 responders are those involved at the core of emergency response and most emergencies at the local level; and Category 2 responders who are co-operating bodies who will be heavily involved in incidents that affect their area of specialism.

6.3 Category 1 responders are subject to the full set of duties, which are to:

- Assess the risk of emergencies occurring and use this to inform contingency planning
- Put in place emergency plans
- Put in place Business Continuity Management arrangements
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- Share information with other local responders to enhance co-ordination
- Co-operate with other local responders to enhance co-ordination and efficiency; and
- Provide advice and assistance to businesses and voluntary organisations about business continuity management.

6.4 The Act provides a clear definition and criteria of emergency which focuses on the consequences of emergencies rather than cause. It defines an emergency as:

- 1) An event or situation which threatens serious damage to *human welfare*;
- 2) An event or situation which threatens serious damage to the *environment*; or
- 3) War, or terrorism, which threatens serious damage to *security*.

6.5 Under the Act the London Borough of Bromley is classified as a Category 1 responder, meaning it is subject to the full set of duties outlined above. It is the responsibility of the Emergency Planning and Resilience Unit to coordinate the Authority’s activities to ensure the organisation is ready and has the ability to respond to and recover from emergencies and disruptive challenges which directly impact residents and businesses of the Borough while continuing to deliver essential services.

6.6 LBB maintains emergency plans, so far as is reasonably practicable, so that when an emergency occurs and the above definition is satisfied we perform our functions as necessary or desirable for the purpose of:

- Preventing the emergency
- Reducing, controlling or mitigating its effects, or
- Taking other action in connection with it.

6.7 The recent flooding satisfied the definition of emergency under the Act as it presented a threat to human welfare. The response and continued efforts to mitigate the risk to property are justified under the Act. The Authority should continue to review and maintain its flood response capabilities for similar events in the future while working with other local responders and with the at risk population to develop their own resilience to such events.

Non-Applicable Sections:	Personnel Implications
Background Documents:	Report ES01260 – 6 th June 2001 – Appendix 1