

Title of report: Local Flood Risk Management Strategy Action Plan

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: Friday 18 November 2022

Report by: Directorate services team leader

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To present the action plan which identifies a programme of work for reducing local flood risk within Herefordshire. Under the Flood & Water Management Act 2010, Herefordshire Council as the Lead Local Flood Authority is required to have a Local Flood Risk Management Strategy (LFRMS). The Environment and Sustainability Scrutiny Committee is allocated statutory flood risk management scrutiny powers.

Recommendation(s)

That:

- a) The Committee reviews the updated action plan and provides comments to help inform the development of a new action plan**
- b) The Committee receives an update in one year's time on progress.**

Alternative options

1. There are no alternatives to the recommendations; Environment and Sustainability Scrutiny Committee is allocated statutory flood risk management scrutiny powers.

Key considerations

Background

2. As Lead Local Flood Authority (LLFA) as set out in the Flood & Water Management Act 2010, it is Herefordshire Council's responsibility to lead in managing local flood risks (i.e. risks of flooding from surface water, groundwater and ordinary (smaller) watercourses). This includes ensuring cooperation between Risk Management Authorities (RMAs) in their area.
3. RMAs are organisations with responsibilities for water management and therefore flooding. Such organisations are many other authorities also responsible for the management of flood risk within the county and include:
 - a) The Environment Agency which has a strategic overview of all sources of flooding and is the authority responsible for managing flood risk from rivers designated as 'main rivers', reservoirs and the sea;
 - b) Welsh Water which is the authority responsible for managing flood risk from the public sewerage network in the majority of Herefordshire;
 - c) Severn Trent Water which is the authority responsible for managing flood risk from the public sewerage network in the north and east of Herefordshire;
 - d) The River Lugg Internal Drainage Board who are responsible for water level management with its operational areas, which encompass the low-lying land within the catchments of the Rivers Lugg, Arrow, Frome and Monnow (in England).
 - e) Lower Severn Internal Drainage Board who are responsible for the maintenance of the land drainage assets within the low-lying land within the catchment of the River Leadon; and
 - f) National Highways and Network Rail who are responsible for managing flood risks within their trunk road, motorway and railway networks respectively.
4. See Appendix 1 for a diagram setting out who the LLFA interacts with, internally and externally.
5. As LLFA, the council has limited powers under the Land Drainage Act 1991 to regulate ordinary watercourses (outside of internal drainage districts) to maintain a proper flow by:
 - a) issuing consents for altering, removing or replacing certain structures or features on ordinary watercourses; and
 - b) enforcing obligations to maintain flow in a watercourse and repair watercourses, bridges and other structures in a watercourse
6. Note that as LLFA, the council does not have responsibility or powers to:
 - a) implement a solution to a flooding incident;
 - b) make other RMAs implement a solution; or
 - c) maintain ordinary watercourses.

Recent flood events

7. Herefordshire experienced severe flooding events in October 2019 and February 2020, with several flooding incidents passing the 'significant event' threshold as set out within the LFRMS. The October 2019 event comprised a succession of heavy rainfall events that fell across England and Wales, and towards the end of the month led to flooding across Herefordshire. This was

followed by a series of heavy successive rainfall events in February 2020 that led to record breaking flows and significant flooding across Herefordshire. The three named storms, Ciara, Dennis and Jorge, along with other rainfall in the month resulted in the new UK maximum for February monthly rainfall total since records started in 1862. The rainfall for the nine months leading up to the end of February 2020 resulted in saturated catchments and enhanced flood risk. The Soil Moisture Deficits for the UK were near-zero for five consecutive months from October 2019 to February 2020. The consequence of the Soil Moisture Deficits being near zero is that river flows were very responsive to the rainfall, resulting in some peak flow records being established across the UK.

8. The council plays a key role in flood recovery and after the February 2020 floods, Talk Community helped coordinate council staff and other partner agencies going out to areas impacted by flooding, providing advice, completing applications for grants and helping directly in the clean-up.
9. Following the February 2020 floods the council:
 - a) Arranged over 700 recovery grant payments for residents and businesses;
 - b) Applied council tax and business rate discounts; and
 - c) Administered a Property Flood Resilience (PFR) scheme on behalf of Defra between May 2020 and July 2022. Through this scheme we have supported 212 property owners in accessing a total of over £966,000 of funding to make their properties more resilient to future flood events.
10. The predicted impact of climate change on future weather patterns across the UK make it likely that Herefordshire will experience flooding events with increasing frequency in years to come. This may lead to areas being at risk of flooding that were not previously susceptible to such events. The risk of flooding is becoming more of an issue for communities across the county and is likely to further increase demand on limited resources.

Section 19 reports

11. The council investigates instances of flooding where three or more residential properties have been flooded internally, and other instances that meet its threshold of investigation (known as a Section 19 report – this is a public statement of the circumstances of a flood event and what parties have a role in managing the risks).
12. During 2021/22 the council completed its Section 19 reports which analysed flood events in October 2019 and February 2020 that were attributable to local sources of flooding. An overall Section 19 report, event analysis and 28 location summary documents have been published on our [flooding webpages](#). See Appendix 2 for a summary of this work.
13. The council continues to work closely with the Environment Agency in order to identify opportunities to reduce flood risk in a collaborative manner. Consequently Herefordshire has a number of flood risk management projects within the government's 6-year flood and coastal erosion risk management (FCERM) programme, from 2021 to 2027. These locations will be investigated and, if viable, implemented to reduce flood risk. Alongside locations highlighted within its Section 19 reports, the council is also delivering the Herefordshire Natural Flood Management (NFM) project which has received funding to deliver a wide variety of NFM measures within seven priority sub-catchments until 31 March 2027.

Community engagement

14. The council recognises the benefits of working in partnership with communities and flood groups whose local knowledge and understanding of particular problem areas is invaluable. Their ability to help in providing information and advice to communities and to help them better prepare for

flooding incidents is also acknowledged. Whilst funding is allocated within the annual plan for the public realm services contract with BBLP for supporting local flood groups and communities, more can be done to enable them to mitigate the potential impact of flooding and increase their resilience. Not least as investing in flood management schemes would be unlikely to remove all risk, especially considering the impact of climate change on all areas which was only increasing.

15. The council keeps its [webpages](#) up to date with flooding advice and guidance to help raise awareness of those organisations with responsibilities in relation to flooding, what people can do to prevent flooding, and what to do in the event of flooding.

Local Flood Risk Management Strategy

16. The council as LLFA, has a statutory responsibility to publish a Local Flood Risk Management Strategy (LFRMS). The LFRMS provides a framework to enable the LLFA to lead and co-ordinate flood risk management across Herefordshire and was adopted by Cabinet in September 2017. The associated Action Plan is updated annually and was reviewed by General Scrutiny Committee in March 2021.

17. The LFRMS contains:

- a) An overview of what it aims to achieve, why it needs to be prepared, the relevant legislation and the roles and responsibilities of key flood risk management authorities;
- b) A brief summary of flood risk throughout Herefordshire to provide the context from which the proposed actions and measures have been developed;
- c) The objectives that the council has selected to improve the management of flood risk;
- d) A summary of the key sources of funding that may be available to the council, other relevant authorities and the general public to help with the delivery of schemes and reduction of flood risk within Herefordshire; and
- e) An Action Plan that sets out how the council will deliver the LFRMS.

18. The LFRMS's five key objectives for flood risk management are:

Objective 1: Understand flood risks throughout Herefordshire.

Objective 2: Manage the likelihood and impacts of flooding.

Objective 3: Help the community help themselves.

Objective 4: Manage flood warning, response and recovery.

Objective 5: Promote sustainable and appropriate development.

19. The specific measures are contained in Appendix A-1 of the LFRMS, which has been reviewed annually. Updated progress against priority measures is included in Appendix 3 to this report.

20. As part of the 2022/23 annual plan for the public realm services contract with BBLP, the LFRMS is being reviewed and refreshed. The council envisages that a new action plan will be developed and will seek to prioritise these actions against appropriate agreed criteria.

Drainage / flooding asset data

21. BBLP maintains the drainage asset database on behalf of the council. Given that drainage infrastructure has been developed historically and as much is hidden under the ground, the information held is not as comprehensive compared to a more visible asset such as street lights.

Whilst BBLP holds limited data on historic pipes and systems, much more comprehensive records are available for modern developments, as adoption records are recorded in the database. Detailed records are also available for problematic and risky flooding assets such as culverts – these are categorised by risk and inspected cyclically with any problems prioritised for maintenance works. If drainage issues arise on the highway for which BBLP don't hold details, the system would be investigated in order to resolve. When this occurs, any information gained about the asset is added to the database for future use.

22. The asset database is quite comprehensive in terms of road gullies with approximately 18,000 gullies currently recorded against cleansing routes. BBLP continue to find and record gullies as they go about running the service – note that when the public realm services contract with BBLP started, around 9,300 gullies were recorded. As gully cleansing is a revenue service and revenue funding is extremely tight, a limited, proactive cyclical emptying programme is carried out across the county, programmed using the network hierarchy and carried out by a single gully cleansing team. The remaining gullies are emptied reactively when they are identified as in need via routine highway inspection or through reports from members of the public.
23. BBLP manages the risk to roads of being undermined by watercourses or land movement through the proactive identification of all potential watercourse incursion points across the county and the inspection and risk scoring of them. The sites that are at risk are then further assessed and monitored by BBLP's engineers. Measures to repair and reinforce the highest risk sites are proposed as part of the annual plan for the public realm services contract with BBLP. When land movement occurs this is dealt with in the same manner.

Community impact

24. The LFRMS supports the strategic objectives that are described in our County Plan (2020-24) and which sets out how the council will ensure we make the best use of resources and deliver services that make a difference to people in Herefordshire. Specifically, the LFRMS contributes towards the 'Protect and enhance our environment and keep Herefordshire a great place to live' ambition. The council appreciates the distress that flooding has had and continues to have upon communities.

Environmental Impact

25. Herefordshire is already vulnerable to flooding and given that climate change is projected to increase the frequency and intensity of weather events, further impacts from heavy rainfall and river levels are likely. The LFRMS contributes towards the 'Environment' ambition of our County Plan (2020-24) and increasing flood resilience.

Equality duty

26. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

27. The public sector equality duty (specific duty) requires us to consider how the council can positively contribute to the advancement of equality and good relations, and demonstrate that it is paying 'due regard' in its decision making in the design of policies and in the delivery of services. This decision will have a positive impact on communities which have been impacted by flooding.

Resource implications

28. There are no specific resource implications contained within this report and implementation of the action plan will be delivered from within existing budgets. Local flood risk management forms part of the annual plan for the public realm services contract with Balfour Beatty Living Places. The costs of delivering flood management schemes are typically funded through Regional Flood and Coastal Committee Levy funds, Flood Defence Grant in Aid or the council's capital programmes. Note that any emergent schemes will be subject to any relevant funding and business case/governance requirements.

Legal implications

29. Herefordshire Council is the LLFA for the purposes of the Flood & Water Management Act 2010. The council has the statutory responsibility for managing the risks of flooding from surface water, groundwater and ordinary watercourses (which excludes main rivers managed by the Environment Agency within their area).

Risk management

30. The council does acknowledge the risk of flooding and this is reflected in a directorate level risk. The action plan identifies a programme of work for reducing local flood risk within Herefordshire.

Consultees

31. The council as LLFA continues to co-operate extensively with other risk management authorities (RMAs).

Appendices

Appendix 1 – diagram setting out who the LLFA interacts with, internally and externally

Appendix 2 – summary of Section 19 reports

Appendix 3 – updated progress against Action Plan priority measures

Background papers

None identified