

KENT FLOOD RISK MANAGEMENT COMMITTEE

Monday, 23rd July, 2012

2.00 pm

Romney Marsh Internal Drainage Board, New Hall, New
Hall Close, Dymchurch, Kent TN29 0LF





AGENDA

KENT FLOOD RISK MANAGEMENT COMMITTEE

Monday, 23rd July, 2012, at 2.00 pm

Ask for: **Andrew Tait**

Romney Marsh Internal Drainage Board, New Hall, New Hall Close, Dymchurch, Kent TN29 0LF

Telephone **01622 694942**

Tea/Coffee will be available 15 before the start of the meeting in the meeting room

Membership

Conservative (6): Mr R E King (Chairman), Mr A H T Bowles, Mr D L Brazier, Mr M J Harrison, Mr C Hibberd and Mrs P A V Stockell

Liberal Democrat (1): Mr M J Vye

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

Substitutes

Declarations of Members' Interest relating to items on today's agenda

Minutes of the meeting on 16 March 2012 (Pages 1 - 4)

Local Flood Risk Management Strategy (Pages 5 - 8)

Presentation from the Environment Agency

Presentation on the work of the Internal Drainage Board

Date of next meeting - Monday, 19 November 2012

Other items that the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

At the end of the public session, Members of the Committee should remain in the meeting room for 20 minutes for summing up

Peter Sass
Head of Democratic Services
(01622) 694002

Friday, 13 July 2012

This page is intentionally left blank

KENT COUNTY COUNCIL

KENT FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 16 March 2012.

PRESENT: Mr R E King (Chairman), Mr A H T Bowles, Mr D L Brazier, Mr C Hibberd, Mrs P A V Stockell and Mr M J Vye

IN ATTENDANCE: Mr M Tant (Flood Risk Manager), Mr T Harwood (Senior Emergency Planning Officer) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mrs J Blanford (Ashford BC), Mr J Muckle (Dartford BC), Mr S Clarke (Maidstone BC), Mr J Scholey (Sevenoaks DC), Mr H Rogers (Tonbridge and Malling BC) and Mr M Douch (Environment Agency)

UNRESTRICTED ITEMS**1. Minutes of the meeting on 21 November 2011**
(Item 3)

RESOLVED that subject to the deletion of the text of paragraph 17 (6) after the first sentence, the Minutes of the meeting held on 21 November 2011 are correctly recorded and that they be signed by the Chairman.

2. Kent Flood Defence Grant in Aid Medium Term Plan
(Item 4)

(1) Mr Mark Douch from the Environment Agency gave a presentation entitled "Flood and Coastal Erosion Risk Management in Kent." The slides and the tabular document that accompanied this presentation have been incorporated with the agenda papers on the County Council's website:
<http://kent590w3:9070/ieListDocuments.aspx?CId=584&MId=4723&Ver=4>

(2) Mr Douch explained that the Government had adopted a policy of partially funding all worthwhile schemes instead of fully funding a limited number. DEFRA had therefore produced a standard scheme for the allocation of Flood Defence Grant in Aid (FDGiA) based on a calculation which measured future outcomes against cost. This calculation would determine the proportion of the cost of the scheme that would be funded by central government. The overall top ceiling where full funding would be provided would vary from year to year and currently stood at 120%.

(3) Mr Douch then explained that if the central government contribution did not cover the costs of the scheme, the difference would have to be met by partnership contributions. Those schemes that attracted partnership funding would increase their cost/benefit ratio and therefore gain a higher priority. The scheme was skewed towards high density areas when outcomes were measured. As no building constructed after 2012 was eligible for funding, the effect of the scheme would not be to encourage future development in a flood plain.

(4) In reply to a question from Mr Muckle. Mr Douch said that the method to be used for calculating the outcome was by assessing the combined monetary damage to the properties and other habitats and infrastructure. This would then be calculated as a percentage of the total cost of the scheme.

(5) Mr Douch gave an example where the percentage total was 50%. This would go ahead if the additional partnership money was found. The effect would be to remove the cost of 50% of the scheme from the overall pot whilst also removing the entire scheme itself from that pot. Over time, this would benefit those schemes which could not attract sufficient partnership funding as it would reduce the top ceiling percentage figure.

(6) The Committee asked whether the accompanying Environment Agency Medium Term Plan for Kent could be re-worked so that it gave some indication of priority. It was accepted that it would be impossible to produce a definitive ranking because the prioritisation system would be affected by other factors. Mr Douch agreed to produce such a list and send it to Mr Tait for distribution.

(7) RESOLVED that the report be noted and Mr Douch thanked for his presentation.

3. Draft Itinerary for the date of the next meeting on 23 July 2012 (Item 5)

(1) Mr Tant said that he had drawn up the draft itinerary in consultation with the Environment Agency.

(2) It was intended that the coach would leave County Hall in time to get to Robertsbridge by 10am. Members would see the flood defence infrastructure in operation.

(3) The next stage of the tour would be a visit to Romney Marsh where the complex series of watercourses would be in the process of being weeded and dredged. The coach would then take the party to the sea wall in Dymchurch. This would be followed by Lunch at Romney Marshes IDB.

(4) The Committee meeting would be held at Romney Marshes IDB, starting at 2pm.

(5) Members agreed that a tour would take place, even if the outcome of the County Council's governance review was that the Committee ceased to exist in its current form.

(6) RESOLVED that the arrangements for 23 July 2012 be agreed.

4. Sustainable Drainage Systems (Item 6)

(1) Ms Bronwyn Buntine, the Sustainable Drainage Engineer said that the Flood and Water Management Act contained had a component on sustainable drainage systems (SuDS). She described SuDS as a means of managing surface water through means such as wetlands, ponds and ditches. Kent County Council had been

named as the “approving body.” Schedule 3 of the Act would require construction work with drainage implications to have its drainage systems approved before construction could begin.

(2) The Government had published draft National Standards in December 2011 and the consultation period had recently come to a close. The main points were that connection to a sewer for the discharge of surface was no longer a right. Drainage approval had to be sought for any construction with drainage implications. The consultation document also included four draft statutory instruments which provided the legal framework for the approval and adoption process.

(3) Ms Buntine then considered the implications for Kent County Council as the approving body. It would be required to make a decision on each minor application within 7 weeks and on major applications within 12. Each application would be assessed against the National Standards and would have to be approved if it conformed to them.

(4) There were also resource implications for Kent County Council. It was estimated that it would need to deal with some 500 applications per year. This would place additional demands on existing staff in terms of pre-planning, approval and adoption, and maintenance. The proposed application fees for the first three years would be £350, rising to £7,500. In addition, there would be a legal responsibility to give stop notices and enforcement notices if appropriate and the appeal procedures would be similar to those for planning applications, requiring officers to produce written representations and/or attend public inquiries.

(5) Kent County Council had responded to the consultation on the financial and technical issues, affordability, lack of consideration of matters following adoption, and conflicts with existing legislation. The County Council had also expressed a preference for the implementation of Schedule 3 and the National Standards to commence on 1 April 2013, although DEFRA wanted a date of 1 October 2012.

(6) Members commented on the enormity of the task ahead. They considered that this was compounded by the antiquated nature of some of the current systems and the resource implications for the IDBs, who might not have the resources to respond to consultation in time to inform the approving body’s decision.

(7) Ms Buntine explained that the approval process would not need to be carried out by a Committee of elected Members. She agreed with Mr Muckle’s description that it would be similar to the process for building controls – albeit with a duty of maintenance attached to it.

(8) Mr Hibberd noted the pending introduction of the Public Health and Local Government Act. He said that as drainage was a fundamental aspect of public health, the County Council’s SuDS responsibilities would impact on its overall health responsibilities as well. He added that the Kent Design Guide would need to be reviewed in the light of the new provisions of the Flood and Water Management Act.

(9) In response to a question from Mr Scholey, Ms Buntine said that the definition of SuDS was “a system that is not vested in a sewage undertaker.” This definition constituted the dividing line between the responsibilities of the County Council and the local IDB. This still left a few grey areas where clarification would be needed.

(10) RESOLVED that the report be noted.

5. Local Flood Planning Workshops

(Item 7)

Mr Harwood informed the Committee that a number of Local Multi Agency Flood Plan Training or Exercise events would be taking place over the next six months. These would have a local community resilience focus, aimed at Parish Councillors and Clerks, Community Wardens, Police Community Support Officers, etc. Those which had taken place so far (in Maidstone, Tunbridge Wells and Tonbridge & Malling) had been well received. A list of forthcoming events would be sent to all Members.

6. Flood Risk Insurance

(Item)

Mr Tant replied to a question from Mr Vye by saying that the Association of British Insurers would be invited to a future meeting to discuss the implications for Flood Risk Insurance of the ending in June 2013 of the current Insurance Agreement between the Government and the Insurance Industry.

By: Max Tant, Flood Risk Manager
To: Kent Flood Risk Management Committee
Subject: Local Flood Risk Management Strategy
Classification: Unrestricted

1. Introduction

The Local Flood Risk Management Strategy is a requirement of the Flood and Water Management Act 2010 (the Act) for all Lead Local Flood Authorities to prepare. KCC must prepare a Local Strategy that sets out how local flood risks will be managed in the county, who will deliver them and how they will be funded.

The Act gives county and unitary authorities a local leadership role and the Environment Agency a national overview role in relation to flood risk management. This strategy will be central to the implementation of the Act in Kent, and will provide a framework for all risk management authorities to manage local flooding in a co-ordinated way.

The Local Flood Risk Management Strategy must be consistent with the Environment Agency’s National Strategy. The National Strategy sets out how all flood risks and coastal erosion will be managed in England.

The relationship of the local strategy to other flood plans and strategic planning documents produced locally, regionally and nationally is shown in Diagram 1, along with the authorities responsible for producing them.

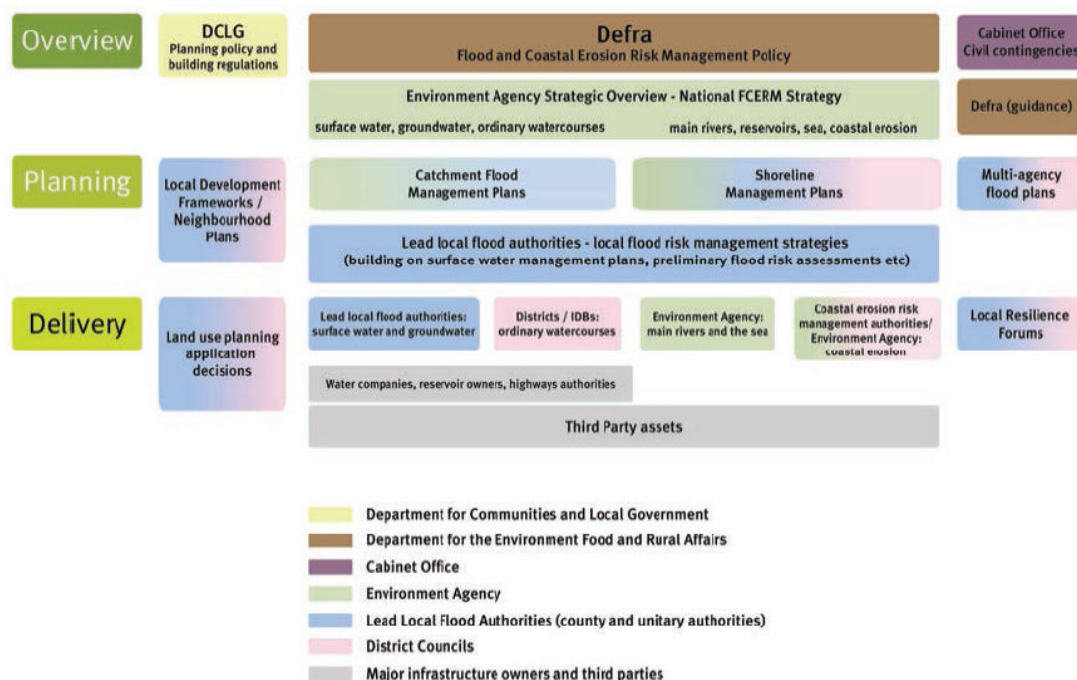


Diagram 1 Flood risk management overview

The local strategy is informed by regional and national flood strategies, including the national strategy, catchment flood management plans and shoreline management plans. In turn the local strategy will inform the delivery of flood risk management in Kent and local planning decisions.

The local strategy must be consulted on with the risk management authorities in the county and with the public.

2. Local Strategy requirements

The Act sets out the minimum that a local strategy must contain:

- The risk management authorities in the relevant area.
- The flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area.
- The objectives for managing local flood risk and the measures proposed to achieve those objectives.
- How and when the measures are expected to be implemented.
- The costs and benefits of those measures, and how they are to be paid for.
- The assessment of local flood risk for the purpose of the strategy.
- How and when the strategy is to be reviewed.
- How the strategy contributes to the achievement of wider environmental objectives.

Delivering this for Kent in one document will be challenging. It is not possible to know at this stage what the measures are that will be delivered to meet the objectives or how these will be funded for the whole county over the whole lifetime of the local strategy.

It is proposed that the Local Strategy will provide a strategic guide to how local flood risk will be managed in the county by promoting good practice, helping risk management authorities to work together better and improving the understanding of flood risk for the public. One of the measures will be to improve our knowledge of flood risk in areas susceptible to local flood risk by undertaking Surface Water Management Plans. The delivery of local measures to manage these risks will be managed through these plans.

A plan of the measures that have been identified in the Surface Water Management Plans and other measures to meet the objectives of the Local Strategy that will be delivered over the following year will be updated annually.

3. Objectives

The objectives of the strategy are proposed as the following:

1. Improving the understanding of the risks of flooding from surface runoff, groundwater and ordinary watercourses in Kent.

In order to plan for and mitigate local flooding information needs to be gathered to assess the risks, which can then be used by the risk management authorities to identify the areas most at risk, to target responses and investigate what options may be available to manage them.

The information currently available about local flooding is inconsistent, scant and sometimes unreliable. Data on historic local flooding may not be available in some parts of the county, or is only available for some not all local flooding risks (for instance ordinary watercourse data is available but not surface water flooding). There is very little data about predicted risk of local flooding from models.

This reflects the focus on the more life threatening flood risk from rivers and the sea that have been the focus of flood risk management in the past two decades and of the fragmented responsibilities for local flooding amongst several risk management authorities.

In order to be able to make robust plans for local flood risks better data needs to be gathered about the history of flooding and the predicted risks that is consistent, reliable and available to all risk management authorities.

2. Reducing the impact of flooding on people and businesses in Kent.

Flooding causes damage, disruption, uncertainty and loss of business. The ultimate objective of flood risk management should be to reduce the impact of flooding wherever possible.

This does not always mean constructing formal flood defence works or the outright removal of the risk. The most sustainable ways to manage flood risks may be a simple intervention that achieves a significant reduction in the likelihood or consequences of a flood.

Flood risk management must focus on the highest risk areas, be cost-effective, sensitive of the needs of the local community and seek multiple benefits. Local communities should be involved in the development of flood mitigation actions and encouraged to help fund them.

3. Ensuring that development in Kent takes account of flood risk issues and plans to effectively manage any impacts.

The best way to prevent flood risk from increasing is to build new developments in a flood sensitive way, which includes avoiding areas of existing flood risk where possible and managing runoff sustainably.

Sustainable development helps to provide homes and communities that are pleasant places to live free of flood risk and enhance the surrounding communities and environments.

4. Providing clear information and guidance on the role of the public sector, private sector and individuals in flood risk management in Kent and how those roles will be delivered and how authorities will work together to manage flood risk.

Given the number of authorities that exercise flood risk management functions and recent changes to these it is important that clear, effective information is provided about how, when and where risk management functions will be exercised. This will help to improve the awareness of public that risk management functions are being undertaken and will help to identify opportunities to coordinate risk management functions.

The need for this was identified in the Pitt Review 2007, which states:

“we firmly believe that the public interest is best served by closer cooperation and a presumption that information will be shared. We must be open, honest and direct about risk, including with the public. We must move from a culture of ‘need to know’ to one of ‘need to share’”.

Sharing information and cooperation go hand-in-hand, only by knowing what roles and how we plan to deliver them can we work effectively together.

Everybody has a role to play in managing flood risk, by understanding our roles and how each of us will deliver them we can work together to effectively manage the risks.

5. Ensuring that emergency plans and responses to flood incidents in Kent are effective and that communities understand the risks and their role in an emergency.

Flooding cannot be prevented entirely. It is important to recognise and plan for eventualities that cannot be mitigated. Even with the collation of data and mapping of flood risk some risks are too expensive or technically unfeasible to remove the flood risk entirely. Even in cases where the flood risk can be managed there will remain a residual risk that the mitigation measure may fail. In all these cases the flood risks that remain must be managed through appropriate emergency responses.

These responses should use the best available information and be clear about what has to be done to manage the risks during and emergency to all stakeholders, including the public.

4. Delivery

The Local Strategy will set out how KCC will undertake its role as Lead Local Flood Authority for Kent and how it will deliver the new flood risk management functions it has been given by the Act. It will also set out how risk management authorities will work together to deliver the objectives of the Local Strategy.

The Local Strategy will include how it will prioritise the delivery of Surface Water Management Plans across the county, as these will be the primary means to assess local flood risk in the county and identify options to reduce it.

5. Timetable

The Local Strategy is currently being drafted. It is intended that it will be published for public consultation in September for three months. Consultation responses will be reviewed in early 2013 with the Local Strategy timetabled for cabinet approval in March 2013.

The Local Strategy will be reviewed three years from its adoption, to monitor the delivery of the measures proposed in it and to assess the relevance of the objectives. It is likely that future versions of the Local Strategy will have longer shelf lives. This first Local Strategy will help to put in place many of the mechanisms needed to manage our new functions and these will need to be reviewed sooner.

6. Recommendations

That the committee provide any comments about the objectives of the Local Strategy.

Background documents

The Floods and Water Management Act -

http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf

The Floods and Water Management Act explanatory notes -

http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpgaen_20100029_en.pdf

What does the Flood and Water Management Act mean for Local Authorities, Defra -

<http://www.defra.gov.uk/environment/flooding/documents/policy/fwmb/fwma-lafactsheet.pdf>

National Strategy for Flooding and Coastal Erosion Risk Management, Environment Agency - www.environment-agency.gov.uk/research/policy/130073.aspx

Author contact details

Max Tant, Flood Risk Management Officer, Natural Environment & Coast Team, EHW

max.tant@kent.gov.uk 01622 221691