

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.