

Direct Dial/Ext: 03000 416749

e-mail: andrew.tait@kent.gov.uk

Ask for:

Date: 17 November 2016

Dear Member

KENT FLOOD RISK MANAGEMENT COMMITTEE - MONDAY, 14 NOVEMBER 2016

I am now able to enclose, four presentations which were given to the Committee on the Monday, 14 November 2016 meeting of the Kent Flood Risk Management Committee. These are:

Agenda Item No

5 Kent Resilience Forum

6 Flood re

7 Riparian Ownership

9 Exercise Surge - Oral report by Tony Harwood

Yours sincerely

John Lynch

Head of Democratic Services



To: Kent Flood Risk Management Committee – 14 November

2016

From: John Lynch, Head of Democratic Services

Subject: Kent Resilience Forum – Structure and Annual Seminar

Classification: Unrestricted

Summary:

Paul Flaherty from Kent Fire and Rescue Service will give a presentation on the structure of the Kent Resilience Forum, including its annual seminar.

1. Introduction

Paul Flaherty from Kent Fire and Rescue Service will give a presentation on the structure of the Kent Resilience Forum including its annual seminar.

2 Recommendation

The Committee is invited to note the report for assurance.

Contact:
Andrew Tait
Democratic Services Officer
andrew.tait@kent.gov.uk
03000 416749

Background documents (None)



Kent Flood Risk Management Committee – 14 November 2016



Kent Resilience Forum

Overview of the Kent Resilience Forum (KRF) including the Kent Resilience Team (KRT)



Paul Flaherty

Chair of Kent Resilience Forum Training and Exercising Group
Assistant Director Channel Tunnel and Resilience
Kent Fire and Rescue Service



Tonbridge & Malling Borough Council

KRF Partners





























Southern

Water







DISTRICT COUNCIL























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Risks and Threats

















Kent Resilience Team

Support

KRF Structure Kent Resilience Forum PREPARING FOR EMERGENCIES IN KENT AND MEDWAY Civil Contingencies Act (2004) and National Priorities KRF Strategic Group Resilience Community (6 monthly) Other Groups in KRF Executive Group (Quarterly - ad hoc task & finish groups) Risk Assessment Group (Quarterly) Emergency Plans and Training and Exercising Capabilities Group Group (3 times a year- ah hoc task (Quarterly) & finish groups)

Risk Assessment Group



The KRF has:

- Published the Kent Community Risk Register 2016.
- Carried out a full capability analysis.
- Introduced a risk review programme.



Emergency Plans and Capabilities



The KRF has:

- Continued the flooding capability work.
- Introduced a Resilient Communities Strategy.
- Imbedded the JESIP principles in all KRF plans.
- Published the KRF Mass Fatalities and Evacuation and shelter plans.



Training





The KRF has:

- Delivered an ambitious training programme.
- Enhanced Business Continuity Training.
- Delivered Joint Command and Control training
- Trained over 200 local Flood Wardens

Exercises



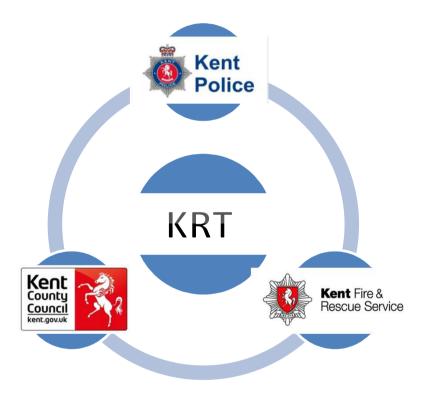
The KRF has delivered a number of large exercises this Year, including:

- Exercise Unified Response, Kent SCG (February 2016)
- Exercise Combine (April 2016)
- Exercise Distant Echo (May 2016)
- Operation Fennel table top (November 2015, July 2016)
- Exercise 'Surge' (October 2016) as the KRF Exercise for 2016/17
- Exercise Cygnus (October 2016)

Kent Resilience Team







What is the KRT?



- Fully integrated team
- Co-located
- Centre of excellence
- Expertise and Engagement
- Single point of contact
- Partner Integration



KRT Vision

Kent Resilience Forum



Strategic Intentions

- 1. Implement and embed 'partnership agreements'
- 2. Review the KRF
- 3. Establish the KRT as a permanent team
- 4. Continue to streamline the process for the development of emergency plans.
- 5. Enhance the Counties business continuity arrangements.
- 6. Embed a strategy which increases the resilience of communities and businesses.
- 7. Improve the ability for communities and businesses to recover quickly.

Core Values

- 1. Enhancing the effectiveness of multi-agency planning and response
- 2. Ensuring value for money
- 3. Maintaining consistency of approach
- 4. Optimising adaptability and flexibility to accommodate the needs of partners in a changing environment
- 5. Developing closer working relationships between KRF partners
- 6. Optimising the efficiency of Resilience Forum work

Achievements



- Collaboration
- Governance
- Leadership
- Resources
- Finance
- Information Technology
- Accommodation
- Exercises
- Training
- Seminars
- Incident Response

- Plans and Documentation
- Resilience Direct
- Command and Control
- Resilient Communities
- Business Continuity and Recovery
- Partnership Agreements

Partnership Agreements



- 10. Kent County Council
- 11. Kent Police
- 12. Kent Fire and Rescue Service
- 13. Medway Unitary Authority
- 14. NHS Organisations through the Local Health Resilience Partnership (LHRP)
- 15. Ashford Borough Council
- 16. Canterbury City Council
- 17. Dartford Borough Council
- 18. Dover District Council

- 10. Gravesham Borough Council
- 11. Maidstone Borough Council
- 12. Sevenoaks District Council
- 13. Shepway Borough Council
- 14. Swale Borough Council
- 15. Thanet District Council
- 16. Tonbridge and Malling Borough Council
- 17. Tunbridge Wells Borough Council
- 18. Environment Agency

Partnership Agreements



3 year agreements introduced in April 2016.

- Part 1 Core agreement between Kent Resilience Forum Partners
- Part 2 (Optional) Embedding partners resources in the Kent Resilience Team
- Part 3 (Optional) Additional support from the Kent Resilience Team to partners

Partnership Agreements



ORGANISATION	P1	P2	P3
Kent Police	Y	Y	N
Kent Fire & Rescue Service	Y	Y	N
Kent County Council	Y	Y	N
NHS Organisations (LHRP)	Y	Y	N
Medway Council	Υ	Y	N
Sevenoaks District Council	Y	Y	N
Swale Borough Council	Y	Y	N
Environment Agency	Y	Y	N
Ashford Borough Council	Y	Y	Y
Canterbury City Council	Y	N	Y
Dover District Council	Y	N	Y
Gravesham Borough Council	Y	N	Y
Maidstone Borough Council	¥	N	Y
Shepway District Council	Y	N	Y
Thanet District Council	Y	N	Y
Tonbridge & Malling Borough Council	Y	N	Y
Tunbridge Wells Borough Council	Y	N	Y
Dartford Borough Council	Y	N	N

Aims

- 1. Ensure all 18 partners have signed up to part 1 of the agreement.
- 2. Ensure that all 18 partners have signed up to either part 2 or part 3.



Paul Flaherty

Assistant Director Channel Tunnel and Resilience
Kent Fire and Rescue Service

paul.flaherty@kent.fire-uk.org

01622 692121 ext 8202



To: Kent Flood Risk Management Committee

From: Michael Harrison, Chairman of the Kent Flood Risk

Management Committee

Subject: Flood-Re: affordable flood insurance

Classification: Unrestricted

A new insurance scheme to provide affordable home insurance for properties at risk of flooding has been launched. Known as Flood-Re, property owners can pay a premium for flood insurance that based on their council tax band, their insurers then re-insure the flood risk with Flood-Re.

More details can be found here:

http://www.floodre.co.uk/homeowner/about-us/

A presentation on Flood-Re will be given at the meeting.

Michael Harrison, Chairman of the Kent Flood Risk Management Committee

Contact Officer: Max Tant, Flood and Water Manager, 03000 413466

max.tant@kent.gov.uk



Flood Re – affordable flood insurance

Max Tant
Flood and Water Manager
Kent County Council



Flood Re

- Flood Re is a flood reinsurance scheme that provides flood insurance for insurance companies
- Insurance companies can use it to offer affordable flood cover for home insurance policy holders at high risk of flooding (typically 1 in 75 annual risk of flooding or greater)
- Flood Re makes no difference to how home insurance is purchased, the reinsurance is done by the insurance company



How does it work

 Flood Re collects and annual tax from every home insurer in the UK, which is levied on home insurance policy holders

 This builds up a fund of £180m that Flood Re manages

 They use this fund to provide flood cover to insurance companies

 The flood cover is charged to the policy holder according to their council tax band

Council Tax Band	A,B	С	D	E	F	G	н
Buildings policy	132	148	168	199	260	334	800
Contents policy	78	98	108	131	148	206	400
Combined policy	210	246	276	330	408	540	1200



Exemptions

- Flood Re does not provide cover to properties constructed since January 2009, this is to promote good planning decisions
- Flood Re is for home insurance policies, it does not cover businesses
- Other exemptions apply, please see the Flood Re website for more details:

http://www.floodre.co.uk/



QUESTIONS?



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To: Kent Flood Risk Management Committee

From: Michael Harrison, Chairman of the Kent Flood Risk

Management Committee

Subject: Riparian rights and responsibilities

Classification: Unrestricted

Summary:

Riparian owners have rights and responsibilities over watercourses on or adjacent to their land. This paper explains the basic riparian rights and responsibilities and the authorities who have regulatory powers over watercourses.

Recommendation:

That Members:

Note the paper.

1 Introduction

- 1.1 Land that adjoins a watercourse is known as riparian. Owners of riparian land are known as a riparian owner and they have rights and responsibilities over the watercourse their land adjoins. This paper explains the basic riparian rights and responsibilities.
- 1.2 The rights and responsibilities explained in this paper only apply to watercourses, they do not apply to overland runoff or groundwater, nor do they apply to public sewers. Additionally, planning policy does not necessarily follow common law riparian rights.
- 1.3 A watercourse is any channel through which water flows, whether it is natural or man-made. A watercourse can range from a river with a regular flow to a shallow depression which carries water infrequently, and includes streams, drains, ditches and sewers (other than public sewers). A watercourse may flow through a pipe, known as a culvert, as long as it is not designated a public sewer. A culvert that carries a watercourse is regarded as a watercourse and riparian rights apply.
- 1.4 Watercourses are divided into two categories, which affect how they are regulated. These categories are:
 - Main River these are watercourses that are designated as a main river by the Environment Agency. They are usually designated for their flood risk significance. This term does not necessarily reflect the size of the watercourse, as main rivers can be quite small and ephemeral (that is water only flows in them some of the time). They are shown on maps held at local Environment Agency offices and online.
 - Ordinary watercourse these are any watercourse that is not a main river.

2 Riparian ownership

- 2.1 Under common law, a riparian owner is someone who owns land that adjoins a watercourse. Land title deeds often do not show the entire land a property owner is responsible for.
- 2.2 Where a natural watercourse is located between two property boundaries the owner on each side is assumed to own up to the middle of the watercourse, under the principle of "ad medium filum" (to the middle of the line).
- 2.3 If the watercourse is man-made, for instance a field drain, it is assumed that the drain was constructed wholly on one property (as the property owner would not have had the right to dig his neighbours land), therefore it is solely that riparian owners responsibility.
- 2.4 These are only guidelines, they are not rules and there may be variations and other overriding factors that mean they do not apply to a particular piece of land.
- 2.5 If land is rented, who exercises the riparian rights should be agreed between the tenant and landlord.
- 2.6 Drains adjoining a highway are usually owned by the neighbouring land owner, the highway authority rarely has riparian rights over them as they do not normally own the highway (they are only responsible for maintaining it). Highways authorities have the right to discharge to watercourses, but this does not necessarily confer on them a duty to maintain the watercourse. Where a road was built by the highway authority on land that they purchased, they may be responsible for any highway drains. Most drains adjacent to the highway in Kent are not highway drains and are not the responsibility of KCC to maintain.

3 Riparian rights and responsibilities

- 3.1 Riparian rights and responsibilities have developed through common law and are not set out in statute. Below is a summary of the common law rights and responsibilities of riparian owners.
- 3.2 A riparian owner has the following rights:
 - to receive flow of water in its natural state, without undue interference in quality or quantity.
 - to protect their property from flooding, and their land from erosion.
 - to fish in their watercourse, although this must be by legal methods and with an Environment Agency rod licence.
 - to abstract a maximum of 20 cubic metres per day of water for the domestic purposes of their own household or for agricultural use (excluding spray irrigation) from a watercourse at a point that directly adjoins their land without a licence from the Environment Agency. Most other types of abstraction will require a licence from the Environment Agency.
- 3.3 A riparian owner has the following responsibilities:
 - to pass on the flow of water without obstruction, pollution or diversion which could affect the rights of others.

- to accept flood flows through their land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse.
- to maintain the bed and the banks of the watercourse (including trees and shrubs growing on the banks) and for clearing any debris, natural or otherwise, including litter, even if it did not originate from their land.
- to not cause any obstructions to the free passage of fish.
- to not dispose of waste in the watercourse.
- to keep the bed and banks clear of any matter that could cause an obstruction either on their land or by being washed away by high flow to obstruct a structure downstream.
- to keep clear any structures that they own such as culverts, trash screens or weirs.
- to protect their property from seepage through natural/manmade banks.
 Where such seepage threatens the structural integrity of a flood defence, it may become the concern of the Environment Agency.
- to maintain any culvert that connects a ditch on their property to another ditch where the culvert passes under the highway. The exceptions to this are where Kent County Council (KCC) has adopted the culvert.
- 3.4 These riparian rights and responsibilities are not absolute and riparian owners may have to obtain consent for works from the Environment Agency, Kent County Council or Internal Drainage Board.

4 Watercourse regulation

- 4.1 Aside from riparian owners' rights and responsibilities a number of bodies have powers to regulate activities in and the function of watercourses. Generally these powers are permissive, that is it is not a duty of the holder of the power to exercise them.
- 4.2 A number of different bodies have powers over watercourses, these often overlap and it is not always clear which bodies have powers. These powers are set out in the Water Act 1991 (as amended) and the Land Drainage Act 1991 (as amended).
- 4.3 The Environment Agency (EA) has powers over for main rivers. Many activities on main rivers require the consent of the Environment Agency. Powers over ordinary watercourses are held either by an Internal Drainage Board (IDBs), Lead Local Flood Authorities (LLFA, KCC in Kent) or district council in two-tier areas.
- 4.4 The EA and IDBs also have powers over activities near watercourses, any activity within 8 m of a watercourse they maintain requires their consent.
- 4.5 Construction activities in watercourses, or near them for main rivers and IDB watercourses, require consent. This consent is obtained from the EA for main rivers and, for ordinary watercourses, from the LLFA or from an IDB in an IDB area.
- 4.6 The EA, IDBs and LLFAs have powers to enforce the maintenance of watercourses or the restoration of unconsented works. These powers only give

the authority the power to undertake the works on behalf of the riparian owner, if they are unwilling to do the necessary works themselves. Enforcement does not give the enforcement authority the power to compel riparian owners to undertake works. The enforcement authority can recharge the riparian owner for the costs incurred, they must also reimburse them for any damages. Enforcement like this is generally not a successful route to maintaining ordinary watercourses and is only considered for very serious risks.

4.7 Where there are concerns about the maintenance of watercourses, the most successful approach is for local communities to work in partnership with landowners to resolve problems.

5 Further reading

5.1 More information about riparian rights and responsibilities can be found in the EA's guide *Living on the Edge*, which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454562/LIT 7114.pdf

7 Recommendations

That Members:

Note the paper.

Michael Harrison, Chairman of the Kent Flood Risk Management Committee

Contact Officer: Max Tant, Flood and Water Manager, 03000 413466 max.tant@kent.gov.uk

Riparian rights

Max Tant
Flood and Water Manager
Kent County Council



Outline

- 1. Definitions
- 2. Riparian ownership
- 3. Riparian rights and responsibilities
- 4. Land drainage authorities
- 5. Consents
- 6. Enforcement



Definitions

- A watercourse is any channel through which water flows, whether it is natural or man-made
- Main river a watercourse designated by the Environment Agency
- Ordinary watercourse any watercourse that is not a main river
- Ponds and lakes are not watercourses unless they are online (ie a watercourse passes through them)
- Culverts are pipes that watercourses flow through, there are regarded as watercourses

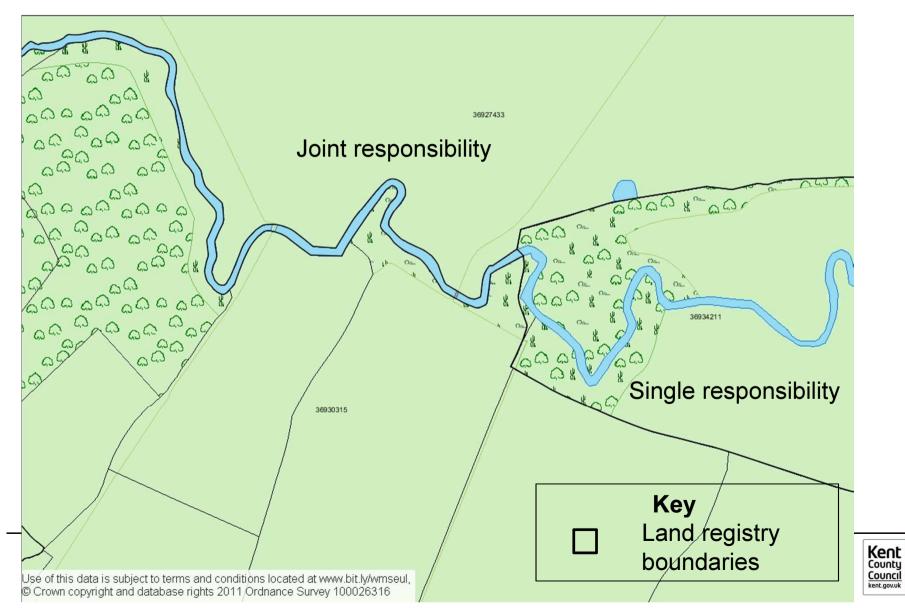


Riparian ownership

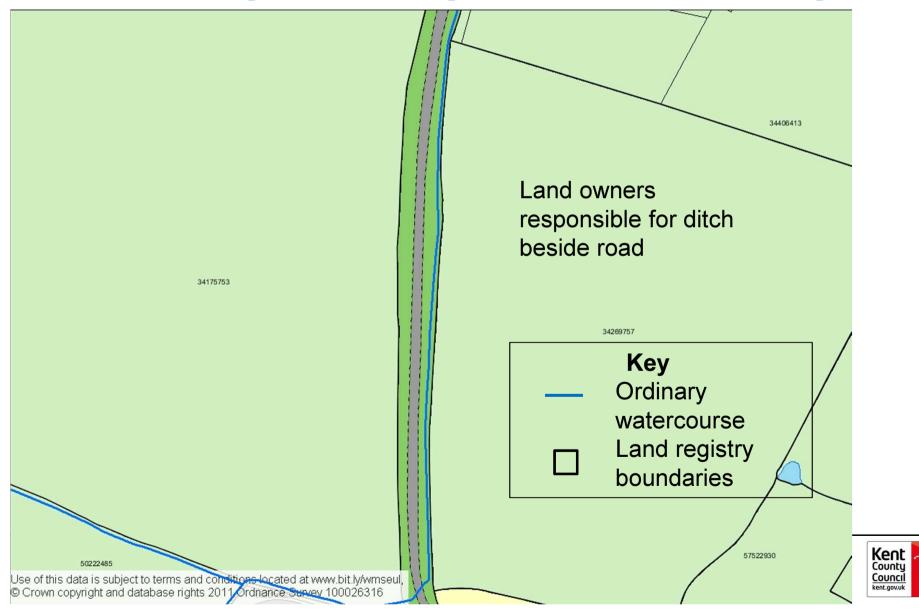
- A riparian owner is someone who owns land that adjoins a watercourse
- Where land ownership boundaries stop on either side of a watercourse it is generally assumed each land owner is responsible up to the middle of the watercourse and the principle of ad medium filum
- Land title deeds often do not show the entire land a property owner is responsible for
- Land owners are normally responsible for ordinary watercourses between their land and a highway



Examples of riparian ownership



Examples of riparian ownership



Riparian rights

- to receive flow of water in its natural state
- to protect their property from flooding and erosion.
- to fish in their watercourse
- to abstract a maximum of 20 cubic metres per day of water for the domestic purposes and some agricultural uses



Riparian responsibilities

- to pass on the flow of water
- to accept flood flows through their land, even if caused by inadequate capacity downstream, as there is no common law duty to improve a watercourse
- to maintain the bed and the banks of the watercourse
- to not cause any obstructions to the free passage of fish
- to not dispose of waste in the watercourse.
- to keep the bed and banks clear of any matter that could cause an obstruction
- to keep clear any structures that they own
- to protect their property from seepage
- to maintain any culvert on your land



Land drainage authorities

- Land drainage authorities have some powers over the watercourses in their jurisdiction
- The appropriate land drainage authority should be consulted before any construction in or near a watercourse
- Some land drainage authorities have the power to adopt bye-laws which give them more powers of watercourses



Land drainage authorities

- Environment Agency authority for main rivers, their consent may be required for a wide range of activities in or near main rivers
- Internal Drainage Boards (IDBs) have powers to do works on ordinary watercourses in their area. They can (and generally do) adopt bye-laws. They have powers to issue consents for works on or near watercourses in tier areas
- Lead Local Flood Authorities (LLFAs) have powers to issue consents for works in watercourses outside IDBs
- District Authorities have powers to undertake works in ordinary watercourses



Land Drainage Consent

- Consent may be required from the appropriate land drainage authority for works in or near an ordinary watercourse
- Any construction activity that may interfere with the flow in a watercourse
- Bye-laws also give provision for consenting to ensure access to a watercourse for maintenance
- Land drainage consent is separate from planning permission, one does not confer the other



Enforcement

- Land drainage authorities have limited powers of enforcement for watercourses
- The Environment Agency have powers over many activities in main rivers and should be contacted before any activities are undertaken
- LLFAs and IDBs have enforcement powers over maintenance of ordinary watercourses and unconsented works in them
- Land drainage enforcement powers only give the enforcing authority the power to undertake the necessary works themselves and recharge – they are not the same as planning enforcement powers
- Land owners cannot be compelled to improve their watercourse, even if it is causing flooding



QUESTIONS?



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EXERCISE SURGE

Kent Resilience Forum Exercise 2016

19th – 29th September

Scenario



- Based on a 1:1000 year tidal surge affecting the whole of the Kent Coast
- Impact was based on a 1:500 year incident
- Kent Resilience Forum (KRF) Response and Recovery Plans
- Local Authority and Voluntary Sector Plans
- KRF Evacuation and Shelter Plan
- Romney Marsh Diversion and Evacuation Plan

Aims and Objectives Kent Resilience Forum

The overall aim of Exercise Surge was to validate several key elements of the Kent Resilience Forum (KRF) and Local Partner Plans, Processes and **Training**

Over 650 exercise documents were produced and managed with over 144 day 1 injects



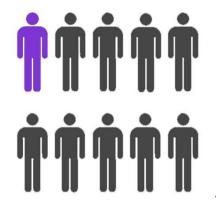


52 organisational objectives

Scale

Nearly 900 people participated over the course of the exercise





150 people were evacuated (1 person = 10 people in terms of the exercise)

37 weather and flood alerts/warnings



6 multi-agency teleconferences

Day 3 was attended by 150 delegates and supported by 50 Subject Matter Experts



























DARTFORD

BOROUGH COUNCIL

























Ministry of Defence















Department for Transport

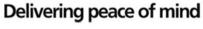


Department for Communities and Local Government



















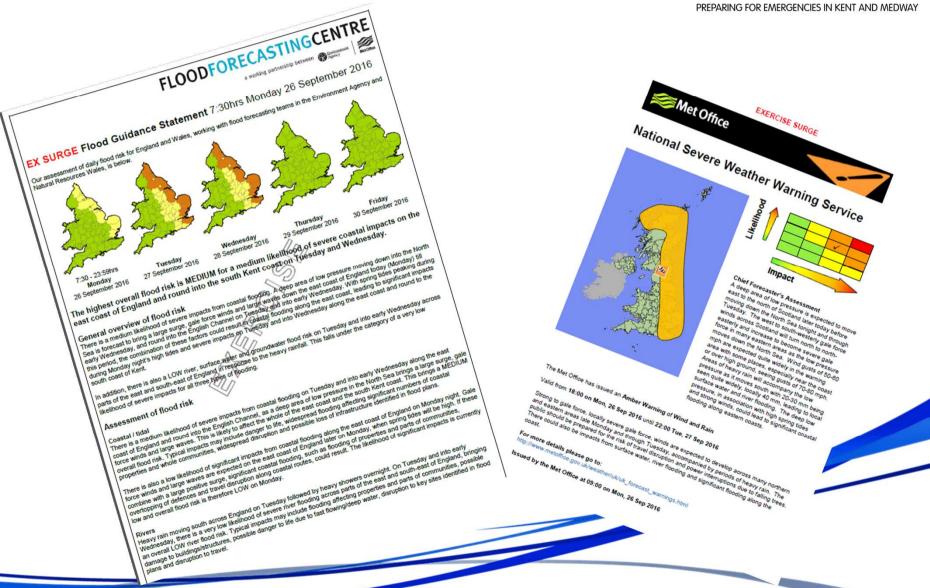




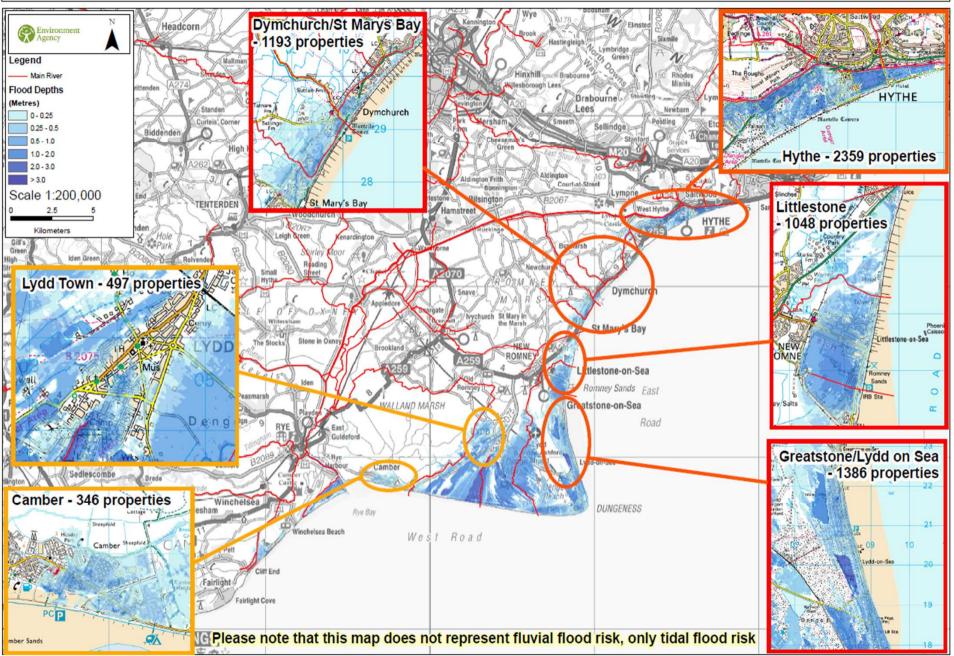




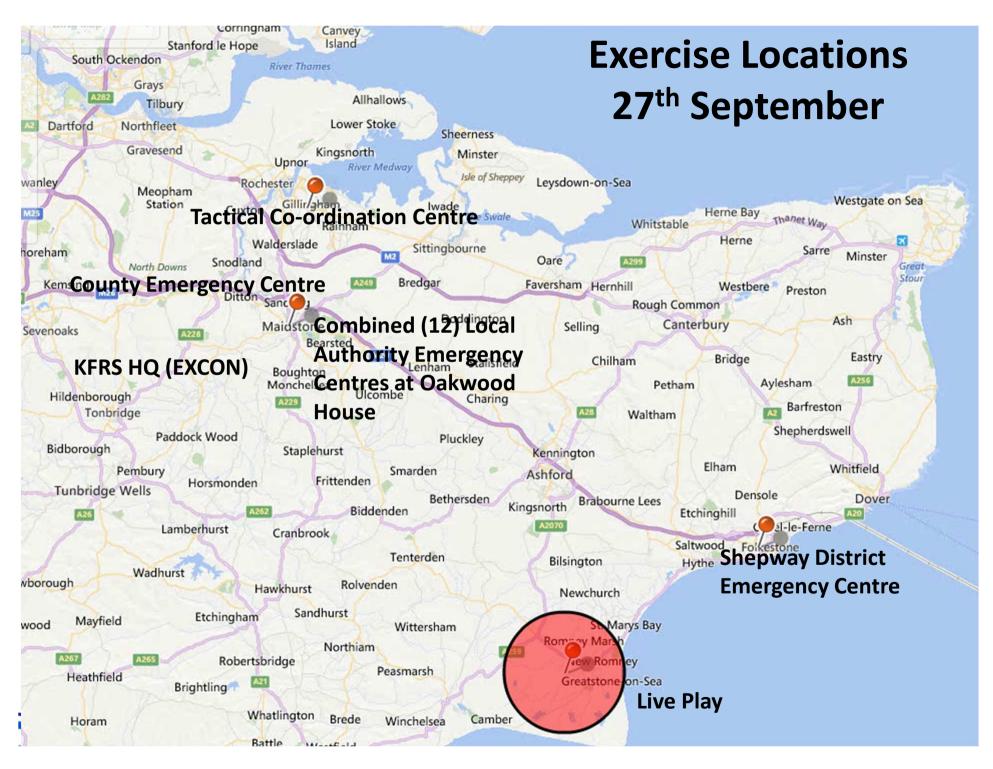




Flood Extent & Depth Map for combined 1 in 1000 year Tide & 1 in 200 year Wave Event on Romney Marsh



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Tactical Co-ordinating Centre



Tactical Co-ordinating Group

Evacuation Cell

Transport Cell

Media Cell

Kent Resilience Forum



PREPARING FOR EMERGENCIES IN KENT AND MEDWAY











Shepway District Emergency Centre

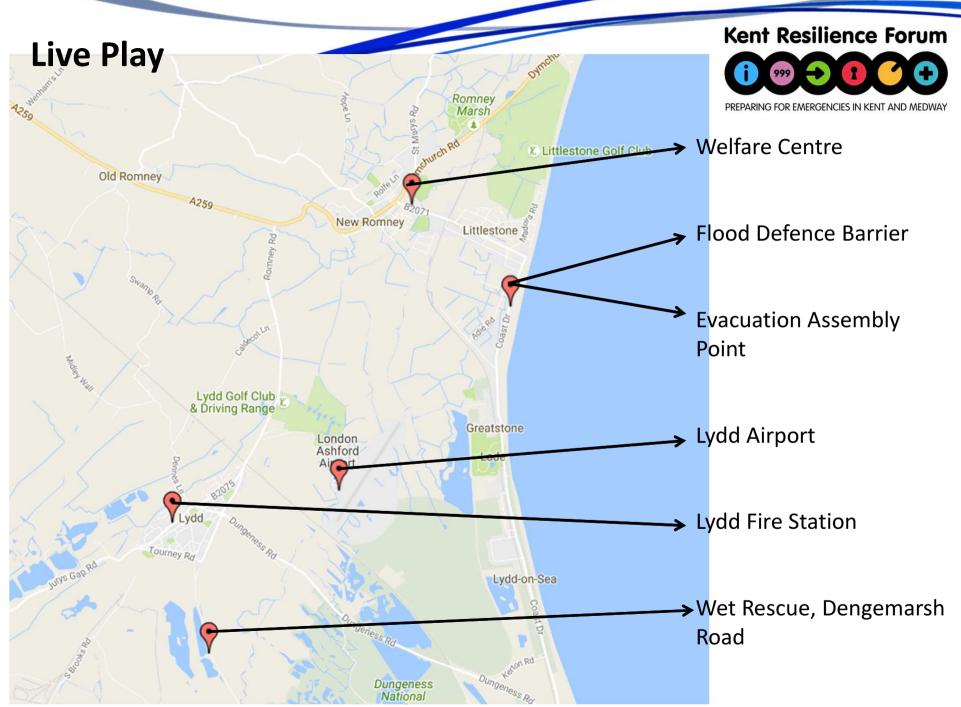


Evacuation of local residents

Evacuation Assembly Point co-ordination

Rest Centre co-ordination

Local Social Care staff



Evacuation Assembly Point



Kent Resilience Forum



Flood Defence Barrier **Kent Resilience Forum**





Day 3 (29th September) Recovery and Business Continuity







- Three multi agency debriefs*
 - Exercise Planning
 - Local Authority
 - Multi-agency
 - *Plus single agency debriefs (KCC's on 17th October)
- Number of recommendations
 - Exercise Planning
 - Local Authority
 - Multi-agency