



AGENDA

FLOOD RISK MANAGEMENT COMMITTEE

Thursday, 14th January, 2010, at 2.30 pm
Waterton Lee, Invicta House, County Hall,
Maidstone

Ask for: **Andy Tait**
Telephone: **01622 694942**

Tea/Coffee will be available 15 minutes before the meeting

UNRESTRICTED ITEMS

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

Item

- 1 Membership
Conservative (6) Mr A H T Bowles, Mr D L Brazier, Mr M J Harrison, Mr R E King, Mr W L Richardson, Mrs P A V Stockell.
Liberal Democrat (1) Mr M J Vye.
- 2 Substitutes
- 3 Election of Chairman
- 4 Declarations of Members' Interest relating to items on today's agenda
- 5 Terms of Reference (Pages 1 - 2)
- 6 The Flood and Water Management Bill and Kent Resilience Forum (Pages 3 - 10)
- 7 Kent Resilience Forum (Oral report)
- 8 Water resource management issues in Kent (Pages 11 - 16)
- 9 Dates of future meetings
- 10 Other items which 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)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

Wednesday, 6 January 2010

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

By: Peter Sass, Head of Democratic Services and Local Leadership

To: Flood Risk Management Committee – 14 January 2010

Subject: Terms of Reference

1. Background

The County Council agreed at its meeting on 10 December 2009 to set up a Flood Risk Management Committee with the Terms of Reference set out below.

2. The Terms of Reference

7 Members

Conservative: 6; Liberal Democrat: 1.

This Committee is responsible for:-

- the preparation, monitoring and review (in conjunction with the Flood Risk Management Officer) of a strategic action plan for flood risk management in Kent taking into account KCC Select Committee recommendations, the Pitt Review and relevant requirements of the Flood and Water Bill (and Act in due course);
- reporting annually (and more often if necessary) to the Environment, Highways and Waste Policy Overview Committee and to the Cabinet Member for Environment, Highways and Waste;
- reviewing and responding to any consultation on the implementation of the Pitt Review and the future development of the Flood and Water Bill (and associated Act);
- receiving reports from the South East Regional Flood Defence Committee and responding as appropriate; and
- the investigation of water resource management issues in Kent.

3. Recommendations

The Committee is asked to note its Terms of Reference.

Background documents; Report of the Flood Risk Select Committee, September 2007

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By: Director – Environment and Waste
To: Flood Risk Management Committee – 14 January 2010
Subject: The Flood and Water Management Bill

1. Introduction to Bill

The Flood and Water Management Bill was published on 19th November 2009, following a draft Bill and consultation process over the summer. The Bill will be entering the Committee stage in the House of Commons January 2010 and it is expected that the Bill will receive Royal Assent later in the year, before the general election.

The Bill's main aim is to improve flood risk management and the way in which we manage our water resources.

The Bill creates clearer roles and responsibilities and applies a more risk-based approach to flood management. The Bill also supports the implementation of the recommendations made by Sir Michael Pitt in his review of the 2007 floods.

The Bill will consolidate existing legislation relating to flood and water management. It aims to:

- Reduce the likelihood and impacts of flooding.
- Clarify roles and responsibilities.
- Improve water quality.
- Give water companies stronger powers to conserve water.
- Improve the efficiency and management of the water industry.
- Reduce pollution and improve water quality.

The Bill will include the following key proposals:

- Local authorities will be given responsibility for surface water flooding.
- The Environment Agency will have overall responsibility for flooding.
- A new risk-based regime to improve reservoir safety.
- Local authorities will be able to designate structures or features that impact on flood risk or coastal erosion.
- House builders and developers will be required to incorporate sustainable drainage systems into new developments.

An outline of the new responsibilities for KCC as a result of the Bill are outlined below and deals solely with the flood risk management elements of the Bill.

2. Implications for Kent County Council

2.1 Lead local flood authority

The Bill places responsibility for leading the coordination of flood risk management on local authorities. The Bill defines the lead local flood authority for an area as the

unitary authority or county council. From here on in, where lead local flood authority is referred to this is a responsibility for KCC unless otherwise stated.

Where appropriate, the Bill enables lead local authorities to delegate flood and coastal erosion functions to another risk management authority by agreement.

2.2 Development of local partnerships

The Bill enables the development of local partnerships to be formed between the lead local flood authority and other relevant authorities such as district councils, internal drainage boards, highways authorities and water companies. However the Bill does not say what form the arrangements should take and it will be for KCC to develop a suitable partnership – guidance and examples of best practice will be made available in due course.

The Bill does require the relevant authorities to co-operate with each other and also empowers a lead local flood authority (or the Environment Agency) to acquire information from others that may be needed for their flood and coastal erosion risk management functions.

2.3 Flood risk management strategy

The Environment Agency will be required to develop a national strategy for the management of coastal erosion and all sources of flood risk for England.

The Bill also requires a lead local flood authority to develop, maintain, apply and monitor a strategy for local flood risk management. The lead local authority will be responsible for ensuring the strategy is put in place but it will be developed in agreement with relevant local partners. The Bill 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.

The strategy must be consistent with the national flood and coastal erosion risk management strategy for England and the lead local flood authority must consult with the risk management authorities that may be affected by the strategy and the public.

2.4 Duty to investigate and to maintain a register

The lead local flood authority will be required to investigate flooding incidents (where other flood risk management authorities do not respond) to identify which authorities have relevant functions to deal with the flood and whether each of them intends to

respond. They will also be required to maintain a register of structures or features which they consider have a significant effect on flood risk in their area, at a minimum recording ownership and state of repair.

2.5 Ensuring progress

The Bill contains extended provisions for scrutiny that will enable overview and scrutiny committees in lead local flood authorities to hold all the risk management authorities to account.

2.6 Additional powers

The Bill provides the lead local flood authority with powers to do works to manage flood risk from surface runoff and groundwater.

The Bill also provides powers to designate structures and features that affect flooding or coastal erosion. Once designated, the owner must seek consent from the authority to alter, remove or replace.

2.7 Sustainable drainage systems (SUDS)

The Bill places a duty on local authorities to adopt and maintain SUDS where shared in a new development.

2.8 Funding for new responsibilities

Defra state that they are committed to fully funding new burdens.

An extra £36 million a year will be made available to fund the new leadership role, with money provided as an Area-Based Grant to every lead local flood authority. How this funding is to be divided up between authorities is still to be determined.

Likewise Defra say that they will meet costs associated with the adoption and maintenance of SUDS by local authorities.

It should be noted that Defra's proposals for funding, particularly those relating to the adoption and maintenance of SUDS, include a presumption of savings from reduced local authority involvement in private sewerage and the diversion of these savings to cover some of the additional burdens. The LGA has taken concerns relating to the accuracy of these assumptions to Defra and new assessments of the burdens will be undertaken in the future. Furthermore, the LGA state they will continue to lobby on this issue to ensure appropriate funds are made for the new burdens.

3. Taking forward the new roles and responsibilities at KCC

3.1 Flood Risk Management (FRM) Officer

A new post, Flood Risk Management Officer, has been created to assist in taking forward the new responsibilities for KCC as lead local flood authority.

The purpose of this post is to:

- Provide strategic leadership for flood risk management in Kent, working in partnership with relevant bodies across the county.
- Develop and maintain effective working relationships with district authorities, the Environment Agency and other relevant authorities to secure a collaborative and holistic approach to flood risk management in the county.
- To develop, and plan for, flood risk management within the County Council in accordance with the relevant responsibilities as defined under the Flood and Water Management Bill (and Act, once enacted).

A key duty of the role will be to carry out a stocktake of flood risk management activities across the county, in order to determine responsibilities and action and to identify where gaps exist. Using this, the FRM Officer will then develop the flood risk management strategy, clarifying roles and responsibilities for relevant authorities across the county.

The FRM Officer will also feed in to any further development of the Flood and Water Management Bill and develop a plan for the implementation of the new responsibilities for the County Council.

Recruitment for this post is underway and it is anticipated the Officer will be in position by spring 2010.

3.2 Flood Risk Management Committee

The establishment of the KCC Flood Risk Management Committee will provide the scrutiny role required by lead local flood authority. The terms of reference of this committee are provided in a separate paper.

How the Committee will function in terms of receiving reports from the relevant risk management authorities, enabling full scrutiny, will need to be determined in partnership with these authorities. It is suggested that the FRM Officer assists in developing this process once in post.

3.3 Surface Water Management Plan for Dover

In August 2009 Defra announced £15 million funding to develop Surface Water Management Plans (SWMP). A SWMP provides a framework through which key local partners with responsibility for surface water and drainage in their area work together to understand the causes of surface water flooding and agree the most cost effective way of managing surface water flood risk. 77 authorities were awarded a share of this funding to develop plans for areas considered to be at highest risk. As a result, KCC was awarded £100k to develop an SWMP for the Dover settlement.

The project inception meeting will take place in February 2010 and the plan is anticipated to be complete by spring 2011.

4. Conclusions

The Flood and Water Management Bill is set to improve flood risk management and KCC welcomes the local leadership role it will assume as a result.

The leadership role in flood risk management placed on KCC by the Bill is a new one that the Council will need to develop. A skills/officer capacity issue has already been identified which is initially being addressed by the recruitment of the FRM Officer but further resources are likely to be required. However the Council is fully aware of the new duties and is making positive steps to implement them over the coming year.

The main issue for the Council will be securing the necessary funds needed to ensure that it has the capacity to fully and effectively take on this new role.

5. Recommendations

The Committee is asked to note the report.

Background documents; Report of the Flood Risk Select Committee, September 2007

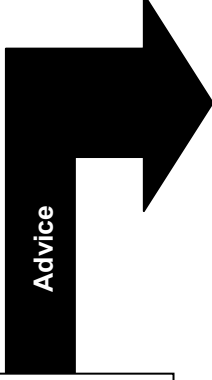
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Report to Kent County Council Flood Risk Management Committee

Roles and responsibilities for Flood Risk Management in Kent as determined by the Flood and Water Management Bill

Regional Flood & Coastal Committee:
Southern RFDC
 - Advise on flood and coastal erosion approaches and priorities in the Regions.



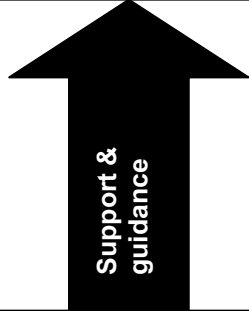
Strategic Overview:
Environment Agency

Strategic role:

- Set National Strategy for Flood and Coastal Erosion Risk Management.
- Support Lead Local Flood Authority.
- Development of tools.
- Investment.
- Report to SoS.
- Powers to instigate work on non-EA assets.
- Statutory consultee on flood planning applications.

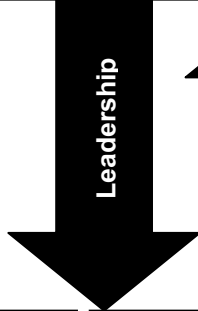
Operational role:

- Flood risk management work on main rivers and sea.
- Coastal erosion risk management work.
- Flood warnings.
- Produce and contribute to strategic plans.
- Consenting and enforcement powers for sea and main river flooding.
- Category 1 responder under the Civil Contingencies Act 2004.



Risk management authorities:
Internal Drainage Boards, district authorities, highways bodies, water companies

- Duty to co-operate in flood and coastal erosion risk management functions.
- Duty to provide information as required by EA and Local Lead Flood Authority.



Local Lead Flood Authority:
Kent County Council (& Medway Council)

Strategic role:

- Set flood risk management strategy.
- Leadership and accountability for management of local flood risk (ordinary watercourses, surface run-off & groundwater).
- Local flood risk assessments, maps and plans including an asset register.
- Lead Surface Water Management Plans.
- Prioritise local investment.
- Consenting and enforcement powers for works affecting ordinary watercourses.
- Promoting partnerships with local planning authorities to produce Strategic Flood Risk Assessments.

Operational role:

- Drainage from non-Highways Agency roads.
- Powers to do works for surface run-off & groundwater flood risk.
- Duty to undertake flood and coastal erosion risk management functions in accordance with local and national strategies.
- Category 1 responder under the Civil Contingencies Act 2004.

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By: Director – Regeneration and Economy

To: Flood Risk Management Committee – 14 January 2010

Subject: Introduction to Local Water Resources Management Issues

1. Summary

1.1 New information has highlighted that in some locations Kent's water resources are being lost through pollution arising, in part, within urban surface water drainage systems. In the longer term this problem will be compounded by increasing pressure on water resources from housing growth and increasing risks of water scarcity and droughts as a consequence of climate change.

1.2 Land use planning has a significant role to play in addressing these problems and it is essential that they are given specific consideration as part of new KCC responsibilities for surface water management through the development of an integrated approach.

1.3 More immediately, KCC needs to develop its position regarding a public inquiry into South East Water's Water Resource Management Plan. If timetables permit, the Committee may wish to take a view of this.

2. Introduction

2.1 New roles for KCC in surface water management planning are specifically aimed at improving the management of flood risk but they also require an integrated approach that recognises that, through the natural water cycle, excess surface water goes on to become Kent's water resources for future seasons. Changing the management of surface water has direct implications for groundwater recharge and surface and groundwater pollution and, indirectly, it therefore affects water resources. Kent's water resources are already under severe pressure so it is essential that these processes are understood and that surface water management functions deliver systemic improvements within the local water cycle as a whole.

2.2 Over the last 2 to 3 years an unprecedented amount of information on the condition and management of water resources has been produced and made publicly available. For Kent, some of this information has presented new insights into weaknesses within water company planning; pollution of rivers and groundwater that threatens to render some water resources unusable; and projections of future severe reductions in river flows as a result of climate change. This has led KCC to adopt a stronger and more proactive approach with partner organisations and, specifically, to robustly question the latest round of water company planning. As a result, KCC is currently involved in preparing its case for a Public Inquiry into the Water Resource Management Plan of South East Water.

2.3 This paper attempts to introduce the key issues as they relate to the newly established Standing Committee for Flood Risk and Water Management.

3. Key Issues

3.1. The following issues are presented separately for purpose of clarity but, in reality, they are highly inter-related through the natural water cycle. These inter-relationships are explained as far as possible.

Surface and Groundwater Pollution

3.2. Over the past 20 years enormous progress has been made in the reduction of 'point source' water pollution but these improvements have now exposed significant problems of underlying diffuse pollution that are difficult to attribute to any one cause yet have major impacts on the quality of water resources. In some parts of the county this problem is now resulting in a reduction in the total available water resources as some groundwater becomes too polluted to be used for public water supply without blending with imported water.

3.3. Kent is highly dependent on groundwater for public water supply and in the longer term this dependency is likely to increase with the incidence of warmer, drier summers. It is therefore vital that these pollution problems are quickly and effectively addressed. Protecting the quality of Kent's water resources is fundamental to making them more able to accommodate further urban development and more resilient to the risks associated with climate change.

3.4. Unlike point source pollution problems, diffuse pollution is largely a land use management issue. Urban development and transport infrastructure are implicated in some of the more serious cases, and there is a significant role for local authorities.

3.5. This issue relates strongly to probable new surface water management responsibilities for the County Council stemming from the Flood and Water Management Bill and it would benefit from good integration with this function. Sustainable Urban Drainage Systems (SUDS) are one of the key measures for enhancing surface water drainage but they are also one of the few means of controlling pollution from surface water runoff. It is therefore essential that both objectives are recognised in their design.

3.6. The WFD will progressively demand water quality improvements across the UK as a whole but the pressure on Kent's water resources are more acute than most parts of the country and therefore call for early action.

3.7. Water pollution has a strong negative influence on the water supply and demand balance, it undermines the resilience of resources and there is a risk that it may begin to impact on economic development.

Water Scarcity and Drought

3.8. In the recent Water Resources Strategy for England and Wales the EA has highlighted that the Water Use Index in the SE of England (total actual water abstraction as a proportion of the total effective rainfall) is comparable to Spain, Italy and some Mediterranean islands. In the case of SE England this situation arises because of high population density and relatively low rainfall: a situation made possible by a highly engineered (and arguably successful) system of water resources management.

3.9. Despite the limitations of this kind of indicator the European Environment Agency has found broad geographical correlation with problems of water scarcity and drought, suggesting that further intensification of water resource exploitation might be counterproductive in the long term. The EEA suggests that what is needed is “a sustainable, demand-led approach to water resource management, focusing on conserving water and using it more efficiently.”

3.10 As a general principle KCC should seek surface water management solutions that can contribute to increasing the county’s resilience to drought and water scarcity.

3.11 Drought has very strong implications for water quality because pollutants tend to become more concentrated. Surface water management systems have a key role to play in controlling this.

Water Supply and Demand

3.12 In the past water companies have been able to simply increase our exploitation of the water environment in response to increasing demand for water. This has led to many catchments becoming over-exploited and has, in the past, even caused some Kent rivers to dry up completely. These pressures are now better managed but there are very few opportunities to further increase water supply without incurring very high capital costs, large additional energy demands and high operating costs. These costs would inevitably lead to higher customer bills.

3.13 KCC is taking a strong stance with water companies concerning their 25 year Water Resource Management Plans and has called for better co-operation between companies to share resources, develop more resilient systems and avoid unnecessary infrastructure investment.

3.14 As a result of the challenge from KCC and several other organisations, South East Water has made some changes to their plan and in January 2010 will be presenting their new position in preparation for a public inquiry in May. KCC will need to consider this new information from the water company, review our position and prepare the necessary formal statements by the end of February. The Standing Committee on Flood Risk and Water Management may wish to take a view on this.

3.15. Local authorities are well placed to play a key role in helping to reduce water wastage and there are potential linkages to new surface water management responsibilities through measures such as rainwater harvesting.

Future Risks and Uncertainty

3.16 In March 2009 the EA produced its new water resources strategy for England and Wales ‘Water for People and the Environment’ that showed that by 2050 Kent might face autumn river flows in the order of 50% lower than the present day. This information is relatively ‘coarse grain’ and cannot yet be relied on for specific river catchments but it is currently being updated in the light of the more recent UK Climate Projections.

3.17 Kent’s groundwater resources are normally replenished during the winter and it is fortunate that the average quantity of winter rainfall is expected to be only slightly affected by climate change. However, the occurrence of high intensity rainfall events

is expected to increase and this may mean that less rainfall is able to infiltrate into the ground and percolate down to the groundwater. Surface water management systems may need to play an increasing role in this process over time.

3.18 The more severe impacts of climate change might be felt in summer months as peak temperatures are expected to be higher and rainfall lower. This combination could cause worsening river water quality, especially during late summer and early autumn.

3.19 The EA water resources strategy sets out a number of actions that need to be taken to meet these challenges. These are mainly aimed at managing water demand and making water resources management systems more resilient and able to accommodate these uncertainties.

3.20 Updated information on the water resources implications of climate change are expected from the EA in autumn 2010. Following this KCC will have a better understanding of the local implications and will then be able to develop our policy response.

4. The role for Local Authorities

4.1 As industry continues to make improvements to its impacts on the aquatic environment, the remaining issues increasingly tend to be related to land use planning in its broadest sense. Agriculture clearly has a large role to play but, for urban areas, so do local authorities. For KCC this is entirely consistent with our duty of care for the environment and our community leadership role.

4.2 Part of this role is now likely to be imposed through the Flood and Water Management Bill that would bring new statutory responsibilities for surface water management. Other such responsibilities may follow over time but will generally be as a consequence of problems that are felt nationally. Given the extreme pressures that Kent faces a more proactive local approach might be needed.

4.3 Surface and groundwater pollution can be mitigated by local authorities through:

- Ensuring that sustainable drainage systems are included with new development.
- Embracing new roles for surface water management (Flood & Water Management Bill) and ensuring that these deliver water quality improvements as well as flood risk management.
- Liaison with the EA to identify priority locations.
- Examining runoff provision from highways and other paved areas and identifying ways to intercept polluted runoff.
- Starting to consider how some sustainable drainage techniques might be introduced into existing urban areas.
- Ensure that adequate measures are included into future River Basin Management Plans.

4.4. Local authorities can address water scarcity, drought and other future risks and uncertainties by:

- Investigating the issues and broadening awareness – possibly through holding a local conference.
- Development of policies aimed at increasing future resilience of water management systems and lobbying water companies to adopt resilient solutions.
- Conducting Water Cycle Strategies to support Local Development Frameworks and ensuring that these identify robust solutions for improving the resilience of water resources systems at the same time as accommodating economic growth.
- Ensuring that adequate measures to address Kent's problems are included into future River Basin Management Plans.

4.5. Local authorities can contribute to the balancing of water demand and supply through:

- Ensuring that the water efficiency of new homes is adequately addressed in Local Development Frameworks.
- Improving the efficiency of water use in existing homes by ensuring that simple, effective water efficiency devices are installed along with energy efficiency retrofit programmes.
- Measuring and benchmarking water use in public sector buildings and implementing targeted improvements.
- Continuing to encourage similar improvements in the business sector, especially where these can help businesses to reduce costs.
- Working with partners to help raise public awareness to bring about reduced water wastage.
- Maintaining pressure on water companies to keep leakage under tight control.

5. Recommended next steps

5.1. The current public inquiries the water company Water Resource Management Plans will take place in May 2010, and this is a good opportunity to influence government and water companies. KCC will be preparing written representation pointing out the high level issues for Kent and requesting that the inquiries address them thoroughly. The Committee may wish to take a view on this if timescales permit.

5.2. KCC should understand the implications of the new UK Climate Projections for water resources management in Kent and develop a policy response in late 2010.

5.3. Water companies should strengthen their activities on demand management; assist local authorities in reducing wastage within public sector buildings; and support projects for retrofitting existing homes. For South East Water the public inquiry will be the test of their position.

5.4. Local authorities should take action to reduce their own water use and to ensure that water efficiency measures are included within programmes for improving the energy efficiency of existing homes.

6. Recommendations

The Committee is asked to note the report.

Background documents; None

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