KENT COUNTY COUNCIL

FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Flood Risk Management Committee held in the Medway Room, Sessions House, County Hall, Maidstone on Monday, 25 October 2010.

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

IN ATTENDANCE: Mr M Tant (Flood Risk Management Officer), Mr S Terry (Assistant Head of Emergency Planning) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

20. Membership
(Item 1)

The Committee noted that Mr C Hibberd had replaced Mr W L Richardson.

21. Minutes of the meeting on 29 July 2010
(Item 3)

RESOLVED that the Minutes of the meeting held on 29 July 2010 are correctly recorded and that they be signed by the Chairman.

22. Sustainable Drainage Systems (SUDS)
(Item 4)

(1) Mr Tant, the Flood Risk Management Officer began his presentation by explaining that "SUDS" stood for "Sustainable Drainage Systems". The "U" no longer stood for "Urban."

(2) SUDS were designed to mimic a natural process for managing water runoff, thereby minimising discharge rates and volume whilst providing better water quality.

(3) The main benefit of SUDS was that they avoided the use of conventional gravity sewers to discharge water, which could lead to flooding. This could happen if the sewer system was extended whilst the existing sewers were not upgraded. A particular concern was that if the sewers discharged into a combined sewer, any flooding would also involve effluent.

(4) Many combined sewers had been laid under roads in the late 19th and early 20th Centuries. They may have been built to cater for 1 in 30 year storms, discharging into rivers if an event exceeded this design capacity.

(5) Mr Tant then described the various forms of SUDS Techniques. An important source control technique involved green roofs. These contained a thin layer of soil

which was able to absorb rainfall (which evaporated at a later stage). A further benefit of this technique was that it provided better insulation for the property.

(6) Rainwater harvesting involved storing roof water in tanks for use as garden water and lavatory flushing. This water could not, however be used for washing or drinking.

(7) Swale filter grids were vegetated surface features that drained water evenly off impermeable areas such as road surfaces. This water could be stored or else released to slowly infiltrate the ground.

(8) Permeable paving (whether brick work with gaps between them or a gravel surface) enabled water to filter through to a storage point below the surface from where it could discharge to a local water course or sewer or infiltrate the ground below.

(9) Infiltration techniques enabled water to be collected and disposed of by using the natural properties of local soil. Features of these techniques were soakaways, detention basins (which dried out), detention ponds (which could support wildlife and discharged slowly after the rain had stopped falling). Another form of infiltration technique was underground storage. This involved collecting water in large perforated pipes or in stormcells. It was essential to ensure that the water collection process was properly filtered as the danger was that the system could become blocked through the accumulation of silt.

(10) Surface water was sometimes drained from houses into a soakway. This was not an appropriate technique for clay surfaces.

(11) Mrs Rook asked why the drainage systems were sometimes vulnerable to 1 in 1 year storms. Mr Tant replied that at the time that a sewer had originally been laid, it might well have been designed to cope with a 1 in 25 year flood event. As the town expanded, the system's capacity became steadily reduced to the point where it could cope with only a 1 in 5 year event or less.

(12) Mr Tant also said that a number of properties drained directly onto the road as a result of their front gardens being concreted over. People actually needed planning (and probably drainage) permission to do this, but this legal provision was one that most people were unaware of.

(13) Mr Tant concluded his presentation by identifying urban creep and increased urban density rather than climate change as the main reason for urban flooding.

(14) RESOLVED that the report be noted and that Mr Tant be thanked for his presentation.

23. Flood and Water Management Act 2010
(Item 5)

(1) Mr Tant reported that Government Guidance on the Act was still awaited. Parts of the Act had come into force on 1 October 2010. Other provisions were due to begin on 1 April 2011.

(2) The Act included the creation of Lead Local Flood Authorities (LLFAs) to lead on local flood risk from surface water run off, groundwater or ordinary water courses (as opposed to main rivers). Lead Local Flood Authorities were defined in the Act as Unitary Authorities or (in two-tier counties) County Councils. The LLFAs had come into being on 1 October 2010.

(3) There was no set definition of an "ordinary water course" and it was considered likely that some main rivers would be re-classified as such.

(4) Mr Tant explained that the Act had also created Risk Management Authorities (RMAs consisting of the Environment Agency, district councils, internal drainage boards, highways and water companies). These RMAs had a legal duty to act in accordance with the LLFA's Flood Risk Management Strategy – although in the case of the water companies, the only duty upon them was to act with regard to the local Strategy. The LLFAs were empowered to scrutinise the RMAs to ensure that they were carrying out their responsibilities and acting in accordance with the Local Strategy.

(5) Mr Tant explained that an LLFA would not be legally responsible for flooding provided that the Strategy worked to the level that it had been designed for.

(6) Kent had the greatest number of homes at risk of flooding within the South East. There were approximately 64,000 such homes within the County. By way of comparison, Hampshire had 61,000, Hertfordshire 60,000, Surrey 52,000 and Essex 48,000. Funding by DEFRA would eventually take account of these statistics.

(7) There had been four flooding events in Kent during the recent summer months. One of these had been caused by 10 mm of rain.

(8) Mr Tant informed the Committee that the Kent Flood Partnership (jointly chaired by KCC and Medway Council) had been formed at officer level involving all of the RMAs in Kent. Its first meeting had been held on 5 October 2010. One of its tasks would be to draft the Local Strategy.

(9) In response to a question, Mr Tant said that Flood Investigations would only take place when none of the agencies took responsibility.

(10) Mr Tant replied to a question by the Chairman by saying that one of the tasks of the LLFAs was to maintain a list of structures and features that affected flooding or coastal erosion. Once identified, the owners would need the permission of the LLFA to alter them. It was anticipated that the Government Guidance would eventually define what was needed and what form an assessment of them should take. There could potentially be a large number of enforcement issues, mainly in land drainage areas.

(11) The Chairman asked for a list of the Internal Drainage Boards together with their Chairmen and Lead Officers.

(12) The Chairman said that there might be a need to redraft the Committee's terms of reference in the light of the responsibilities that were being described in the report.

(13) Mr Tant said that SUDS potentially placed the largest burden on the County Council. The LLFA would be required to establish a SUDS Approval Board once this part of the Act came into force. Applications involving drainage would need to be considered by this Board at the same time as the Planning Authority. No development would be able to proceed until both bodies had granted approval. DEFRA was currently drafting guidance for SUDS.

(14) Mr Tant said that there were some 4,500 major and minor planning applications within Kent each year that had drainage implications. In future, these would require engineers to assess their drainage implications and provide a decision. If the drainage system was sustainable and served more than one property, the SUDS Approval Board would be obliged to adopt it. Once adopted, they would also need to be inspected and maintained. The financial implications would hopefully be covered by the application and inspection fees. There was currently no provision for maintenance of SUDS to be reimbursed. A DEFRA Select Committee was currently consulting on fees and charges for SUDS. A minimum of four or five non-senior staff might be needed to carry out the approval work. However, the extent of the resources required would depend on the guidance on SUDS to be published by DEFRA.

(15) The Flood Risk Regulations were a Statutory Instrument written in response to the 2003-04 flooding events in Europe (including the Rhine and Danube rivers). The LLFAs were obliged to deliver their Preliminary Flood Risk Assessments (PFRAs) highlighting areas of significant risk from local flooding by June 2011. DEFRA had provided £30,000 to KCC to undertake this work. Kent's draft PFRA would be considered by Cabinet on 4 April 2011 and by the County Council on 23 May 2011.

(16) Mr Tant said that the definition of a significant flood risk area was still being considered by DEFRA and the Environment Agency. France had identified three such areas nationally. It was likely that there would be more than that in Kent alone.

(17) Mr Tant informed the Committee that he had produced a draft report to the Kent and Medway Leaders and Chief Executives Committee. This report recommended that a District Council representative should be invited to take up membership on the Flood Risk Management Committee and that a standing invitation should be sent to all Kent District Councils and Medway Council to attend its meetings.

(18) RESOLVED that:-

(a) the report be received and that Mr Tant be thanked for his presentation;

(b) a further report be submitted to a future meeting of the Committee once the capacity assessment is complete and the allocation of funding for flood management in Kent is confirmed by central government;

(c) the draft Preliminary Flood Risk Assessment be submitted to a future meeting of the Committee prior to submission to Cabinet;

(d) no objection be raised if the Kent Leaders and Chief Executives Committee recommends that a representative from the District Authorities be invited to serve on the Flood Risk Management Committee; and

(e) consideration be given to re-drafting the Committee's Terms of Reference for approval by the County Council in the light of the implications for Kent of the Flood and Water Act 2010.

24. Dates of future meetings
(Item 6)

(1) The Committee agreed that it should aim to meet on two occasions early in 2011 in order to consider the draft Preliminary Flood Risk Assessment. The aim would be to arrange them for early January and late February.

(2) The Panel accepted Mr Terry's offer to assist in liaising with the Police and Fire and Rescue Services in respect of a proposed tour in early 2011. The intention would be to inspect Command and Control Centres at KCC as well as both of the other Services.

(3) The Committee also agreed to accept the invitation made by the Head of Emergency Planning to attend Exercise Watermark in April 2011.