

KENT COUNTY COUNCIL

FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Flood Risk Management Committee held in the Swale 3, Sessions House, County Hall, Maidstone on Thursday, 29 July 2010.

PRESENT: Mr R E King (Chairman), Mr D L Brazier, Miss S J Carey (Substitute for Mr W L Richardson), Mr A D Crowther (Substitute for Mr A H T Bowles) and Mr M J Harrison

IN ATTENDANCE: Mrs E Milne (Team Leader Natural Environment & Coast), Mr M Tant (Flood Risk Management Officer), Mr D Cloake (Head of Emergency Planning) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Ms D Silva-Parker and Mr B Luck

UNRESTRICTED ITEMS

16. Minutes of the meeting on 28 May 2010

(Item 3)

RESOLVED that subject to the amendment of "Pitt 10 Group" to "Pitt Severe Weather Group" in Minute 14 (5), the Minutes of the meeting held on 28 May 2010 are correctly recorded and that they be signed by the Chairman.

17. Overview of Regional Flood Defence Committees - Oral presentation by the Environment Agency

(Item 4)

(1) Ms de Silva-Parker said that the Southern Regional Flood Defence Committee (RFDC) covered the Counties of Kent, East Sussex, West Sussex, Hampshire and the Isle of Wight. It consisted of elected Members drawn from the Local Authorities and appointees from the Department for Environment, Food and Rural Affairs. The elected could serve two four-year terms whilst the DEFRA appointees served for 3 years. The RFDC meetings were held in Worthing.

(2) The RFDC performed three roles. These were: overseeing the Region's capital schemes and works (including their maintenance and improvements as well as their accompanying flood warning arrangements); raising local levies for flood defence and warnings; and overseeing the work of the 8 Internal Drainage Boards.

(3) Ms de Silva-Parker continued by informing the Committee that the Flood and Water Management Act (FWMA) had now gone into statute, although it had not yet commenced. The time line and scope of the Act was not yet known, although the previous Government had intended that it should take effect in April 2014. Secondary legislation would need to be enacted before this happened.

(4) Ms de Silva-Parker then explained that one of the effects of the FWMA was to extend the remit of the RFDCs. These would now become Regional Flood and Coastal Committees and be given greater powers to scrutinise the work of lead local

flood authorities in relation to local flooding and whether they met the requirements of the Flood Risk Regulations which had come into being in 2009.

(5) Ms de Silva-Parker concluded her presentation by outlining its implications for the Flood Risk Management Committee. She said that it would need to agree the Flooding Plan Documents prior to publication by the Environment Agency. It would also need to agree a future work programme once the timetable for the Act had been released.

(6) In response to a question from the Chairman, Ms de Silva-Parker said that the other Counties in the Region were still at the scoping stage in the light of emerging Guidance from DEFRA and the Department for Communities and Local Government. She confirmed that Medway Council had also been contacted. She also said that all 9 Lead Authorities in Kent were interested in working in partnership and that the Act enabled them to share resources and delegate powers to one another.

(7) Ms de Silva-Parker replied to a question from Mrs Carey by saying that Flooding would continue to play a major role in the new Environment Agency strategy (which was set out in the website and had taken account of anticipated Government cuts). Savings would be made by merging the Southern and Thames Regions. The regional Office would be in Reading and there would be four Area Offices in Maidstone, Worthing, Wallingford and North London/Essex.

(8) RESOLVED that the content be noted and Ms de Silva-Parker thanked for her presentation.

18. Flood Risk and Water Resource Management - Oral presentation by Barry Luck: Southern Water

(Item 5)

(1) Mr Barry Luck said that he had worked for Southern Water for 30 years and that his role related to its strategic responsibilities including flood alleviation, flood risk management, sustainable drainage and private sewer transfer.

(2) Mr Luck said that the primary legislation for water companies had been set out in the 1991 Water Industry Act. It had been supplemented by the 2003 Water Act, the 2009 Flood Risk Regulations (which encompassed the EU Flood Directive) and the 2010 Flood and Water Management Act. These Acts were reinforced by various Regulations and regulatory processes.

(3) In terms of flood alleviation, Southern Water had (following its periodic price review) set aside some £1.8 billion for its Investment Plan in the period 2010–2015 for environmental improvement work, which included flood alleviation in the Southern Region. The identification of individual schemes was driven by cost-benefit issues. Water Companies were not allowed to consider the value of a property, so the driving factor was the willingness to pay (as identified in Southern Water's "Willingness to Pay" survey). The water regulator, "Ofwat" normally only permitted funding for a scheme where the benefits were higher than the costs.

(4) Mr Luck then said that Southern Water had developed its flood database which enabled it to compile a register of external and internal flooding incidents and to measure the frequency with which they occurred.

(5) Southern Water placed a greater emphasis on mitigation measures (such as raising airbricks or air-tight doors) rather than on the causes. Currently there were 27 schemes within the Region of which 14 were in Kent.

(6) Mr Luck then addressed the issue of private sewer transfer (for foul/ waste water). He clarified that for the purposes of this topic, a “drain” was a pipeline that served a single property whereas a “sewer” served two or more. Since the Public Health Act had been enacted in 1937, drains and sewers were only public if they were already in place or had been laid or adopted by a sewerage undertaker.

(7) The Water Act 2003 made provision for all private drains and laterals (cross pipes outside the cartilage of any property that connected to the main system) to transfer into public ownership. This provision had not yet been enabled as consideration was still being given to the most effective means of transfer. The Water Companies favoured a single overnight transfer option with a clear appeals procedure for anyone who did not wish this to happen. The most likely implementation date was October 2011 and the cost would be spread across all paying customers.

(8) Once transfer had taken place, all new developments in the region would require adoption of drains, sewers and laterals by Southern Water.

(9) In terms of flooding, Mr Luck said that Southern Water would need to help the lead Flood Authorities to develop their Flood Risk Management Strategies. These would entail flood risk assessments, plans to deal with significant flooding, hazard and risk maps and management plans.

(10) Mr Luck then turned to the topic of sustainable drainage systems (SUDS) (for surface water). He informed the Committee that the 2010 Flood and Water Management Act had amended the previous “right to connect to surface water” to enable people to insist upon sustainable surface water drainage systems. It was currently intended that KCC would be the SUDS approval body for the County with the water Companies acting as statutory consultees.

(11) The Committee asked to receive a further report at its next meeting on the implications for the County Council of the proposed SUDS approval function. At the suggestion of the Flood Risk Management Officer it was agreed that this should be incorporated within a presentation on the burdens imposed on local authorities by the Flood and Water Management Act.

(12) In response to a written question from Mr Vye, Mr Luck said that Southern Water would continue to give its attention to flooding issues in local parishes even if staff moved on.

(13) RESOLVED that the content of the presentation be noted and Mr Luck thanked for his presentation.

19. Future meetings

(Item 6)

The Committee agreed provisionally that it would meet on Monday, 25 October 2010 and that Kent Fire and Rescue and Kent Police would be asked if they could host the field trip on Wednesday, 27 October (all day).