



Flooding Task Group

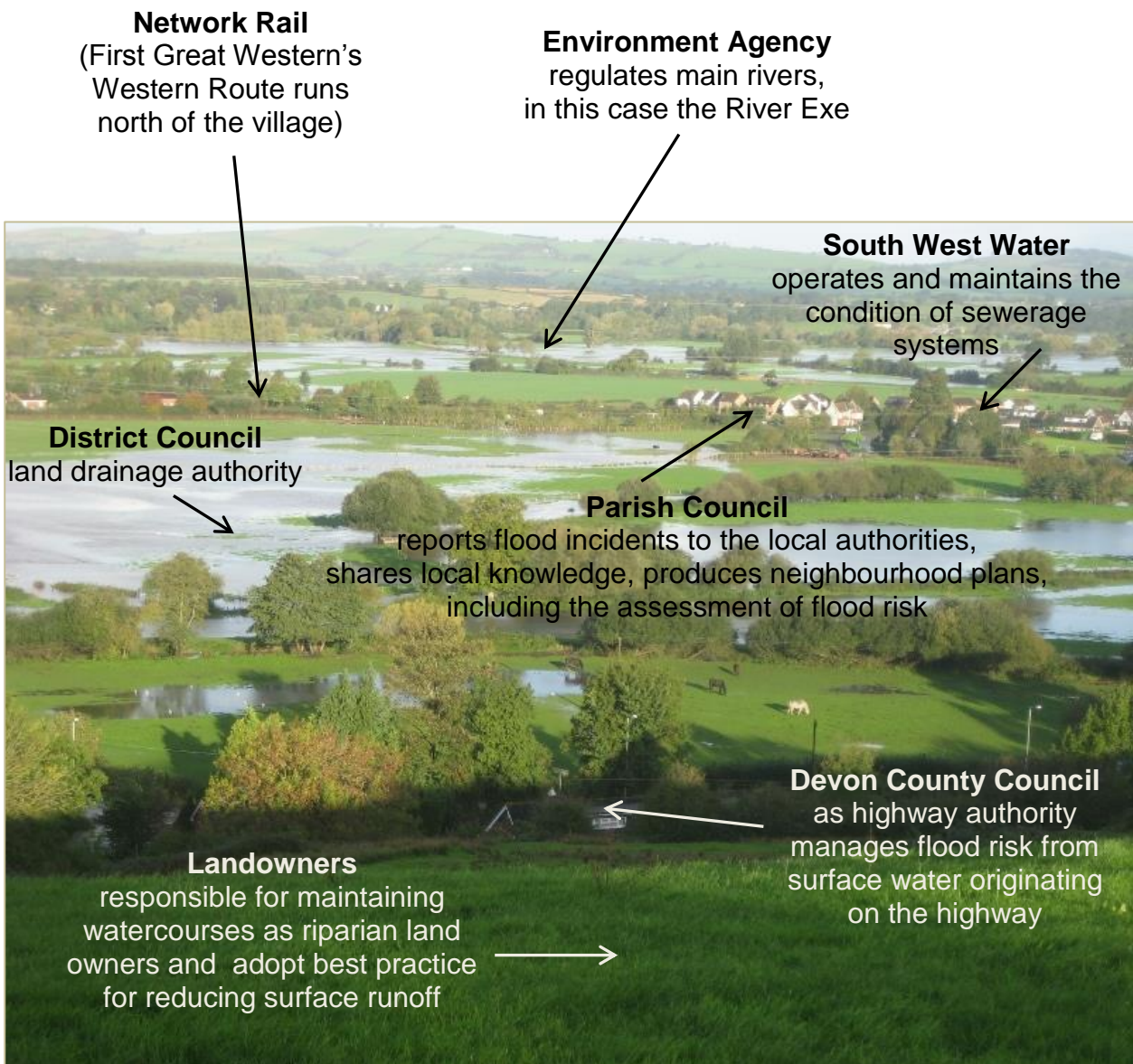
Final Report

Place Scrutiny Committee

September 2014

THE COMPLEXITY OF FLOODING

This picture of flooding in Stoke Canon, East Devon, in October 2013 depicts the complex nature of flooding which warrants a collaborative approach:



Devon County Council

as the lead local flood authority has a responsibility for managing flooding from surface water, groundwater and ordinary watercourses as well as coordinating all risk management authorities (see paragraph 4 below) and other key stakeholders (see paragraph 5 below).

SUMMARY OF RECOMMENDATIONS

The following recommendations are directed at all the risk management authorities and the other key stakeholders as defined by the Devon Local Flood Risk Management Strategy (pp. 22-23):

Recommendation 1: To ensure all the risk management authorities collectively signpost all those concerned with flooding effectively to the most relevant agency and best sources of advice and support on all aspects of flooding.

Recommendation 2: To establish robust working relationships with all the risk management authorities and the other key stakeholders by December 2014 and for the lead local flood authority to produce guidance on how key stakeholders can best engage with others.

Recommendation 3: To map all the available resources and expertise across all the risk management authorities in Devon by December 2014.

Recommendation 4: To develop a joint list of works to address flood risks across the risk management authorities in Devon, and prioritising these together by March 2015.

Recommendation 5: To strengthen the Devon Operational Drainage Group as a forum involving all the risk management authorities and which coordinates the implementation of the Devon Local Flood Risk Management Strategy and related matters by September 2014.

Recommendation 6: To develop effective and accessible systems for the central collation and sharing of flood-related information between all risk management authorities by March 2015.

INTRODUCTION

1. Following extensive flooding across the country in the summer of 2007 and the subsequent Pitt Review of June 2008, the Flood and Water Management Act was published in 2010. The Act established lead local flood authorities and requires them to produce and implement strategies to effectively manage flood risks. The Devon Local Flood Risk Management Strategy was published at the end of May 2014 and can be accessed via <https://new.devon.gov.uk/floodriskmanagement/>.

2. Lead local flood authorities are upper tier authorities which identify flood risk issues across their area and help those to be tackled in a coordinated manner among all so-called risk management authorities. The actions or lack of action by the risk management authorities can affect the risk of flooding. The Act therefore describes how they have to adhere to the strategy and how, in accordance with other relevant legislation, they are expected to implement their roles in relation to flood risk management.

3. In March 2014, the Place Scrutiny Committee set up this task group to examine how the Devon Local Flood Risk Management Strategy is being implemented and how all the risk management authorities are working together in the event of a flood and also to reduce the risk of further flooding. It was not the task group's remit to evaluate organisations' emergency response procedures (e.g. see www.devon.gov.uk/index/councildemocracy/publicsafety/emergencies).

4. In Devon, risk management authorities are:



5. Other key stakeholders, e.g. parish and town councils, landowners, developers, Network Rail, Natural England and the National Farmers Union all contribute to effective flood risk management as well, but they are not obliged by law to cooperate with the

lead local flood authority or the other risk management authorities (see paragraph 12 and recommendation 1 below).

6. Councillors Peter Bowden (chairman), Olwen Foggin, Jonathan Hawkins, Roy Hill and Nick Way served on the task group. In a series of seven meetings from April until August 2014, they collected evidence from the following risk management authorities via a questionnaire (appended) and they interviewed their representatives in person:

7. Devon County Council's flood risk management team (i.e. the lead local flood authority), Environment Agency, East Devon District Council, Exeter City Council, Mid Devon District Council, North Devon District Council, South Hams District Council & West Devon Borough Council (working in partnership), Teignbridge District Council, Torridge District Council, Devon County Council's highways and traffic management service, EM Highways Services Ltd as one local contractors of the Highways Agency, and South West Water. The task group also interviewed a representative from Network Rail.

FINDINGS

8. Managing flood risk is an important part of protecting the residents of and visitors to Devon from the often devastating personal, environmental and economic consequences of flooding. The Devon Local Flood Risk Management Strategy considers flooding from all sources, however it expands in more detail on “local” sources of flooding, namely flooding from surface water, ordinary watercourses and groundwater, as opposed to main rivers and the sea, which are regulated by the Environment Agency. Because of the complexity of flooding issues ranging from multiple flooding sources, the scale of any personal, environmental and economic consequences as well as the amount of involved agencies, effective partnership working is paramount in order to contribute to an effective, coordinated approach to flood risk management.

9. The sheer number of different bodies involved in flood risk management and the perceived confusion in roles and responsibilities led to the review by Sir Michael Pitt and the subsequent development of the Flood Risk Regulations and the Flood and Water Management Act. Now defined as the lead local flood authority, Devon County Council’s flood risk management team has compiled some guidance notes to help direct flood victims to the relevant authority and avoid such confusion (<https://new.devon.gov.uk/floodriskmanagement/who-to-contact-if-you-experience-flooding/>).

Recommendation 1: To ensure all the risk management authorities collectively signpost all those concerned with flooding effectively to the most relevant agency and best sources of advice and support on all aspects of flooding.

10. The team is also developing land management guidance, in partnership with other risk management authorities and key stakeholders, to better promote and develop those practices which improve flood risk management in rural areas. Other areas under development are to improve landowners’ understanding of their riparian responsibilities and also to enhance community resilience, both of which can reduce the risk of flooding and increase individuals’ abilities to cope with incidents without any statutory intervention (<https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/> – land management guidance is under development, but will be found as one of the supporting documents on this website).

PARTNERSHIP WORKING

11. Prior to the establishment of lead local flood authority, the risk management authorities were isolated in their flood-related activities and are still adjusting to collaborative working in this area. There is still a great variety among the organisations regarding their aspirations, capabilities, competencies and expertise, but also their (political) priorities due to a lack of resources and a difference in perceived local needs. Hence, the approaches to flood risk management range from a minimalist reactive approach with no direct work force to proactive management with dedicated staff available for community-led or individual flood defence activities.

12. However, the task group found a general commitment to partnership working among the main risk management authorities in Devon, each of which also had developed an effective working relationship with the lead local flood authority. This is fundamental in addressing difficult-to-resolve and complicated problems which warrant a collaborative approach. For example, local projects have been delivered in the past with capital funding from the lead local flood authority and staffing provided by a district council. There are also examples of the lead local flood authority having engaged and successfully delivered projects in partnership with third parties other than the risk management authorities. These examples are delivered in accordance with the strategic priorities when and where the needs arise and should be coordinated and replicated across Devon when the opportunities are available.

Case study: Partnership working in Uplyme, East Devon

Flooding from the ordinary watercourses, surface runoff from adjacent land and highway culverts becoming blocked from debris has had a significant impact on the community in Uplyme, East Devon. Devon County Council as both the lead local flood authority and the highway authority together with the district and parish councils have worked closely to deliver a number of short term maintenance and improvement measures to reduce the risk of further flooding. The residents have also been involved in the development of the Emergency Plan through the Defra Flood Resilience Community Pathfinder Project. Works have been jointly funded and delivered by Devon County Council and East Devon District Council and further detailed analysis, by a specialist consultant, is being progressed to consider any further long term measures which could be delivered, subject to appropriate funding being made available.

13. During the course of the review it also became apparent that working relationships were less well developed between the lead local flood authority, the Highways Agency and its local contractors, EM Highways Services Ltd, Skanska UK Plc and Connect A30/A35 Ltd. Although the flood risk and drainage issues relating to trunk roads are relatively self-contained, it is still felt worthwhile for these relationships to be consolidated. Working relationships with the other key stakeholders as defined by the Devon Local Flood Risk Management Strategy (pp. 22-23; see paragraph 4 above) should also be appropriately established, most notably parish and town councils, Network Rail, Natural England and the National Farmers Union. The lead local flood authority should establish working relationships with these organisations similar in nature to those with the risk management authorities because of the significant impact those organisations can have on Devon's infrastructure, economy and social cohesion. The task group understands that the Environment Agency and Network Rail are working towards a Memorandum of Understanding, a development which the task group welcomes.

Recommendation 2: To establish robust working relationships with all the risk management authorities and the other key stakeholders by December 2014 and for the lead local flood authority to produce guidance on how key stakeholders can best engage with others.

14. Individual organisations' flood management budgets and the management of flood risk assets cannot operate in isolation because of the scale of some of the problems. Funding can be accessed from a wide range of sources, including from within

organisations, the lead local flood authority, the Environment Agency, section 106 agreements, the local levy, the Flood Defence Grant-in-Aid (FDGiA) or capital bids. Especially Devon County Council and the Environment Agency are able to provide ad-hoc operational and financial support to other risk management authorities for prioritised catchments in accordance with the Strategy and subject to available budgets and resource. The existing Skills Matrix for the district councils shows available resources and expertise and it should be further developed to include all risk management authorities as a basis for deploying those more efficiently across the organisations. The risk management authorities need to establish greater clarity on funding and how budgets are being employed across Devon, e.g. by holding a county-wide seminar.

Recommendation 3: To map all the available resources and expertise across all the risk management authorities in Devon by December 2014.

15. As identified in the Strategy, a joint list of local priorities is to be established between all of the risk management authorities, even if they have limited capacity and/or funding to carry out works themselves. This would form the basis for partnership working, identifying and addressing flood risks across the county and examining how to tackle and prioritise these jointly, including identifying common work streams, appointing lead authorities depending on the local issue and delegating priorities, activities and technical solutions.

Recommendation 4: To develop a joint list of works to address flood risks across the risk management authorities in Devon, and prioritising these together by March 2015.

16. The formulation of a county-wide plan could also encourage individual risk management authorities to form joint working arrangements. For example, East Devon and Teignbridge District Councils already work together on the Dawlish and Exmouth coastal management plans and this kind of topic-based working model should be encouraged across the county when suitable opportunities arise.

17. Furthermore, a central forum could help coordinate how the Devon Local Flood Risk Management Strategy is implemented by the risk management authorities. It could also coordinate related matters. The existing Devon Operational Drainage Group with representatives from the district councils, the Environment Agency and South West Water, lends itself to fulfilling this purpose but it will have to further evolve in order to fulfil a wider remit. The group currently meets quarterly to discuss strategic and high-level operational matters to ensure continuity across the County and that current legislation and best practice is being followed by all.

Recommendation 5: To strengthen the Devon Operational Drainage Group as a forum involving all the risk management authorities and which coordinates the implementation of the Devon Local Flood Risk Management Strategy and related matters by September 2014.

18. It was also highlighted that the risk management authorities seemed to operate different emergency planning procedures. The Local Resilience Forum and Devon Recovery Group are working to improve coordination between Emergency Services and all Risk Management Authorities.

INFORMATION SHARING

19. Some risk management authorities already compile lists of priority capital works to flood risk management assets and share those with other organisations. But although data sharing was working well in some areas, the quality and transfer of data needs standardising. Historically there had been no need to share information prior to the introduction of the lead local flood authority and although the risk management authorities are improving their processes, the lines of communication need further clarity and formalisation. Although information sharing is a statutory duty under the Act, the level of detail available differs among the various risk management authorities.

20. Another problem which was described by the participants is the definition of flooding which varies greatly. The identification of affected properties following a flooding incident presents a further challenge, especially in remote areas and for reasons relating to insurance cover. The gathering and use of intelligence was exemplary in some areas of the county, e.g. through the network of flood wardens in high-risk communities who are even able to identify and locate disabled victims in a flooding event. Communications also need to work in a two-way model whereby residents can advise any risk management authority and all information provided would be collected on a single database to avoid duplication and confusion. A SharePoint system is being developed to ensure risk management authorities report to a single flood database during the flood response period and improve the accuracy of detail being reported. Local members should also be kept informed during flooding incidents, of any works being carried out in their divisions and any future plans.

Recommendation 6: To develop effective and accessible systems for the central collation and sharing of flood-related information between all risk management authorities by March 2015.

COMMUNITY RESILIENCE

21. Public sector budgets have been experiencing unprecedented pressures in recent years which led to many services being redesigned towards managing residents' expectations and more intelligence-led and targeted activities. One district council endeavours to shift the emphasis in flood prevention from reactive solutions, e.g. using sandbags, towards individual property protection, i.e. more permanent and resilient solutions. Flood forums and fairs have been delivered in a number of locations across Devon and it has been suggested to establish district-wide flood fairs in order to enable parish and town councils as well as individuals to be made aware of resilience measures available to help themselves during flooding events.

22. The Corporate Services Scrutiny Committee is currently investigating community resilience and is looking to publish a report in early 2015. This will be supported by the actions and outputs of the Defra-funded Flood Resilience Community Pathfinder Project currently being led and delivered by Devon County Council in partnership with the Environment Agency and Plymouth and Torbay Councils.

CONCLUSION

23. The Councillors on the task group believe that the Devon Flood Risk Management Strategy provides a suitable framework for effective flood risk management across Devon. In order to gather momentum, the strategy now needs to be delivered and working relationships between the risk management authorities and other key stakeholders need embedding. All the organisations involved need to accept and act upon their responsibilities with proper county-wide coordination from the lead local flood authority. Hard copies of the final Devon Local Flood Risk Management Strategy will be issued to all of the defined risk management authorities, together with a Letter of Agreement requesting them to sign up to the content and confirm that their organisation will work in a manner consistent with the Strategy.

24. It is essential that appropriate scrutiny arrangements are maintained to oversee the implementation of flood risk management functions in Devon, as envisaged by the Flood and Water Management Act, as well as to gauge progress against the recommendations of the task group. The task group suggest that officers acting for the lead local flood authority provide an overview report for consideration by Place Scrutiny Committee on an annual basis, with this used to identify the need for more detailed scrutiny of particular issues or other risk management authorities.

25. The task group would like to thank all those who participated in the process, for the detailed evidence they gave to the task group, for their time and effort and continued commitment to helping to shape this review and its recommendations for improvement. The group is particularly indebted to our Scrutiny Officer Janine Gassmann who organised meetings, collated evidence and produced this document on the members' behalf and to Martin Hutchings, Flood Risk Manager, and Peter Chamberlain, Environment Manager, for their technical support.

**Councillors Peter Bowden, Chairman
Olwen Foggin
Jonathan Hawkins
Roy Hill
Nick Way**

Copies of this report may be obtained from the Democratic Services & Scrutiny Secretariat at County Hall, Room G31, Topsham Road, Exeter, Devon, EX2 4QD or by ringing 01392 384383. It will also be available on the County Council's website at:

www.devon.gov.uk/index/councildemocracy/decision_making/scrutiny/taskgroups.htm

If you have any questions or wish to talk to anyone about this report please contact Janine Gassmann, Scrutiny Officer, tel. 01392 384383 or email janine.gassmann@devon.gov.uk

Questions for Risk Management Authorities

Please provide brief answers to the questions below. Your replies will be considered by Task Group Members and will form the basis for discussion at the forthcoming meetings

	Question	Guidance	Answer
1	Indicate what resources, both budgetary and staff, are allocated to the implementation of the flood risk management functions. What are your emergency response capacities 24 hours a day with regard to discharging your responsibilities?	<i>How many FTEs are currently employed? If it is part of a role then only the average percentage of time spent should be reported, i.e. 3 days = 0.6 FTE. Indicate whether you contract any additional resources to assist; such as consultants. Provide details of any annual maintenance, revenue or capital budgets that are currently allocated by your organisation.</i>	
2	Highlight any specific land drainage or flood risk management functions which are not currently being exercised by your organisation due to resource or other practical constraints?	<i>Indicate whether you (i) utilise your powers to carry out works, (ii) provide advice to the public, developers, planning and other RMAs (iii) watercourse maintenance for riparian or flood risk purposes (iv) asset inspections / maintenance.</i>	
3	Is your organisation currently considering any changes to its resourcing or practical delivery of its land drainage and flood risk management functions?	<i>Indicate whether you envisage an increase, decrease or status quo of the current service and resources provided in the near future. Detail any changes proposed and the timescales.</i>	
4	Does the Devon Local Flood Risk Management Strategy provide adequate and appropriate guidance and direction on the key issues relating to flood risk management across Devon, including on how your organisation engages in these?	<i>State whether you are satisfied that your comments on the draft Strategy have been incorporated. Are there any additional supporting guidance documents that need to be produced? Are you equipped and focussed on adhering to the Local Strategy or do you need to make any internal changes, if so what?</i>	
5	How would you characterise the current joint working arrangements between your organisation and DCC as the LLFA and with other RMAs in dealing with the practical delivery of flood risk management measures?	<i>Detail how often you meet or communicate with other RMAs and specifically with DCC as the LLFA. What are your main channels of communication? In particular, what is working well or how might things be improved?</i>	
6	Have you carried out any flood investigation studies or delivered any flood improvement schemes either in partnership or with financial support from other RMAs? Has this worked well and do you see this continuing?	<i>Provide details of any partnership schemes and the level of financial support or resources provided, i.e. level of funding provided by LLFA – 100%?</i>	

7	What level of co-operation is there between your organisation and DCC as LLFA in relation to flood-related data – especially relating to local flood risk, flood defence assets and the impacts of flood events? And how this might be improved?	<i>How freely is information relayed between authorities? Do you have any examples where this has or has not worked effectively?</i>	
8	Describe the ways in which your organisation addresses flood risk issues through the planning process, including input on development management, spatial planning (esp. Local Plans) etc. Do you envisage any significant changes to this in the foreseeable future?	<i>Do you have in-house experts providing advice on planning applications and/or strategic documents? If so, do you carry out regular reviews of the applications or are they ad-hoc? Is there a good relationship between Engineering and Planning staff within your organisation?</i>	
9	What emphasis should be placed on addressing flood risk issues through land management initiatives? How is your organisation currently involved in these and what future role might it have?	<i>Detail any best practice methods or guidance you currently use and highlight any specific initiatives you are leading on. i.e. upstream thinking.</i>	
10	Does your authority maintain a list or programme of potential works to address flood risk issues in specific locations and, if so, how are these prioritised?	<i>If yes, are there any opportunities for partnership working with any of the other RMAs?</i>	
11	What data do you hold – and in what format – on flood defence assets within your district, particularly those for which you have specific maintenance responsibility?	<i>Confirm whether you have provided any of the data to DCC to be included on the LLFA Asset Register or if this can be provided. What type of information do you keep and how frequently do you monitor and maintain these assets i.e. reactive or scheduled.</i>	
12	What practical options are there for your authority to work together with DCC through the forthcoming operation of the Sustainable Drainage Approval Body?	<i>Do you have internal technical expertise to check and approve calculations for SuDS? Would this resource be available to assist with the SAB process and if so as a guaranteed resource or as required, subject to other priorities? Would you be able to offer any assistance for on-site inspections in your area?</i>	

Key to abbreviations:

DCC	Devon County Council
FTE	Full time equivalent staff
LLFA	Lead local flood authority
RMA	Risk management authority
SAD	SuDS Approval Body
SuDS	Sustainable drainage systems