

Update on the Devon Local Flood Risk Management Strategy

Report of the Head of Planning, Transportation and Environment

1. Summary

This report sets out the ongoing progress made by the Flood and Coastal Risk Management Team acting as the Lead Local Flood Authority (LLFA) in accordance with the Local Flood Risk Management Strategy. It also provides an update on the recommendations set out in the report of the Place Scrutiny Committee Flooding Task Group.

2. LLFA Responsibilities

2.1 Local Strategy

As previously reported the Local Flood Risk Management Strategy for Devon has been signed up to by all of the Risk Management Authorities and is helping to maintain good working relationships between all involved. The Strategy clearly sets out the responsibilities of each authority, organisation and individual enabling a clearer and more understandable approach to flood risk management.

2.2 Flood Investigations

Under section 19 of the Flood and Water Management Act (FWMA) Devon County Council, as the LLFA, has a duty to investigate a significant flood. A threshold of 5 properties suffering internal flooding in any one location has been set as the trigger for carrying out an investigation. Due to the rural nature of Devon and the many small villages and hamlets we do review this threshold following any reports of flooding to consider whether an investigation is required. In most situations we will investigate and report on all known flooding across the County from any one event or a period of significant rainfall with flooding incidents. This will include the location exceeding the threshold, as well as all other locations, where properties have been affected, which in many cases may be 1 or 2 properties.

Since the last report to Scrutiny we have had to investigate and prepare 3 Flood Investigation Reports:

- Christmas and New Year Floods (December 2015 – January 2016) with 52 properties experiencing internal flooding widely spread across Devon, with no single location reaching the 5 property threshold;
- East Devon, South Hams and Torridge Floods (June 2016) with 23 properties reported to have flooded internally; mainly in the South Hams area with 7 properties in South Pool and 4 in Beeson;
- Braunton (September 2016) one of our highest priority locations suffered further flooding to 6 properties and a further 3 properties were reported elsewhere (1 in South Hams and 2 in Torridge).

2.3 Flood Risk Assessments

2.3.1 Preliminary Flood Risk Assessment (PFRA)

The initial PFRA was produced in 2011 shortly after DCC became the LLFA. This was the first review of flood risk in Devon from surface water, ordinary watercourses and ground water, which are the responsibility of DCC in an overview capacity. The PFRA is due for

review after 6 years, so in 2017. Defra and the EA are currently preparing guidance on what is required in the review, but early indications that the high level assessment will be for single locations with 30,000 properties, which will not be reached in Devon. The next step will be to carry out a self-assessment of the PFRA and it is this template which is currently under review. This will be required to be completed by June 2017 and then the review, which will only be for changes to the original PFRA will be required by December 2017.

2.3.2 Surface Water Management Plans (SWMPs)

The programme of Surface Water Management Plans, based on the original PFRA and Strategic SWMP for Devon is now complete with plans prepared by DCC for Exeter, Braunton, Ilfracombe and Sidmouth and in partnership with South West Water in Great Torrington and Exmouth. Recommendations in the Plans are now being progressed for some areas, with a scheme in Braunton soon to be delivered and proposals in Exeter and Sidmouth being developed.

2.3.3 Drainage Assessments

In addition to the SWMPs above a number of smaller scale Drainage Assessments have been completed, as recommended in the Strategic SWMP for Devon. These have been produced for specific locations within Ottery St Mary, East Budleigh, Shaldon, Teignmouth and Newton Abbot. As a result a number of 'quick-win' improvements at Ottery St Mary and East Budleigh have been carried out. Other recommendations will be prioritised in line with available funding and resource.

2.4 Asset Register

Section 21 of the FWMA states that we need to produce an asset register and record of known flood related features and structures. The register holds details of the structure type and location and must be available for viewing, whereas the record provides greater detailed information on ownership and condition, etc. We have now satisfied this requirement and have an online asset register on the Flood Risk Management website. This will be continually updated as new flood assets are brought to our attention.

2.5 Statutory Consultee for SuDS

In April 2015 DCC became the statutory consultee to the Local Planning Authorities (LPAs) for all major development with surface water implications. This involves the reviewing of sustainable drainage (SuDS) / surface water management proposals and liaising with the developer and their consultant to ensure a robust system is put in place. The initial assumption was for up to 400 major applications to be received by the 8 District and 2 National Park LPAs each year; however with a turn around in property development we have received over 1000 applications in the first 18 months.

The function is carried out by 2 full time officers who have developed an excellent working relationship with all of the LPAs, Developers and Consultants and in fact have been complimented on numerous occasions for their efforts.

A local SuDS Guidance document has been produced and consulted on and is now being finalised for publication. This has been welcomed by all involved as it takes account of all relevant legislation and best practice and sets the standards required.

2.6 Land Drainage Consent

The number of applications received during this year from external individuals appears to have reduced compared to previous years. We are working closely with other RMA's to raise awareness of the requirement for Land Drainage Consent and that Planning Approval does not relieve the need to obtain consent for working in a watercourse.

3. Flood Improvement Schemes

Devon County Council's Flood Risk Management team is continuing to progress an optimistic programme of works in line with the Local Strategy and its annual Action Plan. A number of small minor improvements are being delivered through local funding opportunities, such as partnership working with other RMAs or direct funding from the DCC Flood Risk Management budgets. The larger and higher priority schemes are being developed in line with allocations on Defra's 6 year programme and the draw down of Flood Defence Grant in Aid and Local Levy. This is anticipated to be in excess of £2.5m and £400k respectively, supported by funding from DCC Flood Risk Management, other RMAs and potential third part contributions from businesses and/or landowners etc.

The highest priority schemes, attracting national funding, are currently being developed in Axminster, Braunton, Modbury, Stokeinteignhead and Ivybridge. Further details of their progress can be seen in Appendix I.

4. Community Resilience

As a legacy of the Flood Resilience Community Pathfinder a County wide Community Resilience Forum has been established and supported through Devon Together. Half yearly events are held with parish councils and local action groups, together with Emergency Planning, Environment Agency, Police, Fire and Rescue and other key stakeholders where best practice is shared to encourage and develop local self-help resilience measures. Funding has also been made available to support the production of local action plans and for the purchase of equipment from sandbags and flood gauges to tabards and torches.

DCC are also looking to develop a Property Level Protection (PLP) Grant Scheme where members of the public can apply for funding towards PLP measures on their property. All requests will be prioritised depending on specific criteria and will be subject to available funding. It will not be guaranteed, but will develop a list of prospective properties that could benefit from the FDGiA and DCC funding allocation.

5. Natural Flood Risk Management

Devon County Council is committed to the development of natural flood risk management processes and will consider a catchment wide approach for all schemes options and proposals.

To understand the requirements in Devon and the approaches already being considered by many organisations and landowners a report has been prepared by the South West Farming and Wildlife Advisory Group (SWFWAG). This is currently in its final draft stage and will be shared with the SWRFCC's Environment Sub-Group. It is hoped that this will lead to collaborative working on a number of positive and innovative initiatives being promoted and developed across Devon.

A number of pilots are already being considered in Ottery St Mary and Braunton and the methods of natural flood risk management are also being considered as an integral part of the flood improvements at Modbury, Ivybridge and Stokeinteignhead.

6. Update on the Recommendations of the Scrutiny Flooding Task Group

Following the report of the Place Scrutiny Committee's Flood Task Group, produced in March 2014, and the subsequent update report in November 2015, this report confirms the ongoing collaborative approach to flood risk management in Devon by all of the RMAs.

The Devon Operational Drainage Group, now consisting of representatives from all of the RMAs, which is a positive outcome of the Flood Task Group report, continues to meet on a quarterly basis to discuss all flood related matters. The Flood Risk Manager is also the current chair of the South West Flood Risk Managers Group, representing 16 LLFAs, which also meets quarterly to share best practice and consider priorities in line with national requirements.

Continued progress of the recommendations contained in the Task Group Report is detailed in Appendix II.

An ongoing concern is the resources available at District Council level and their ability to deliver a flood risk management or land drainage function. In many districts this is covered by one officer responsible for other tasks, potentially with a higher local priority. West Devon no longer has any responsible officers, but are supported by South Hams. Torridge are struggling for resource, both financial and staff, which has implications for the resolution of a current issue in Bideford.

7. Consultations/Representations/Technical Data

As previously reported the Devon Local Flood Risk Management Strategy underwent a thorough consultation with all of the RMAs and key stakeholders prior to publication, as did the Strategic Environmental Assessment (SEA) which supports the Strategy.

8. Financial Considerations

Funding for flood risk management activities is available through various local and national sources. The minor improvement works are generally carried out using local funds such as the Planning, Transportation and Environment Service Flood Risk Management budget, Local Levy and partnership funding with other RMAs or landowners/businesses. For major capital works funding is available through Defra's Flood Defence Grant in Aid 6 year Programme together with local funding opportunities previously mentioned as well as the Place Budget for Flood Prevention.

9. Sustainability Considerations

All options for flood improvement works will consider the effects to the environment and any social or economic impacts that may result. The SEA carried out to support the Local Flood Risk Management Strategy will ensure any actions pay due regard to the environment and where possible to provide enhancements.

Devon County Council's Flood Risk Management team continue to encourage sustainable drainage for all new development, through their role as statutory consultee to the Local Planning Authorities for 'major' developments with surface water implications.

10. Equality Considerations

The Equality Impact and Needs Assessments undertaken to support the Local Flood Risk Management Strategy, ensures the promotion of equality when delivering flood improvements and will be monitored regularly. All elements of the strategy will need to indicate what, if any, impact it has on equality.

11. Legal Considerations

All of the new legislative responsibilities under the Flood and Water Management Act are being adhered to by the County Council in its role as Lead Local Flood Authority.

12. Risk Management Considerations

As reported last year the main risk identified during the development and delivery of the Local Flood Risk Management Strategy and the outcome of the Scrutiny Task Group investigations is the ability of other RMAs to maintain a level of expertise to deliver land drainage and flood risk management functions. This continues to be an ongoing concern and with recent retirements and reorganisations at the district level this is becoming more apparent with many Districts having less than 1 FTE to deal with flood risk management.

This is a concern which is drawn to the attention of the Place Scrutiny Committee to consider whether they wish to liaise with any RMAs struggling to operate in a manner which is consistent with the national strategy and with due regard to the local strategy and guidance.

13. Conclusion

The Devon Local Flood Risk Management Strategy has now been in operation for over 2 years and continues to be referenced by all RMAs when considering flood risk management activities. This continues to provide clarity over the roles and responsibilities of all those involved in flood risk management and helps foster good relations between the RMAs and more importantly the general public.

The recommendations, as set out by the Scrutiny Task Group, were reported last year to have already been completed and it can be confirmed that relationships continue to be maintained between all of the RMAs to ensure collaborative working.

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Electoral Divisions: All

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Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
1. Pitt Report	June 2008	http://www.webarchive.org.uk/wayback/archive/20090115140349/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final_report.html
2. Flood and Water Management Act	2010	http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf

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| 3. | Flood Risk Regulations | 1999 | http://www.legislation.gov.uk/ukxi/2009/3042/pdfs/ukxi_20093042_en.pdf |
| 4. | Devon Local Flood Risk Management Strategy | June 2014 | https://www.devon.gov.uk/floodriskstrategy |
| 5. | Communication Strategy | June 2014 | https://www.devon.gov.uk/floodriskstrategy |

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Glossary

DCC	Devon County Council
DEFRA	Department of Environment, Food and Rural Affairs
EA	Environment Agency
FDGiA	Flood Defence Grant in Aid
FTE	Full Time Equivalent
FWMA	Flood and Water Management Act 2010
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
PLP	Property Level Protection
PFRA	Preliminary Flood Risk Assessment
RFCC	Regional Flood and Coastal Committee
RMA	Risk Management Authority
SEA	Strategic Environmental Assessment
SuDS	Sustainable Drainage System
SWMP	Surface Water Management Plan
SWFWAG	South West Farming and Wildlife Advisory Group
SWRFCC	South West Regional Flood and Coastal Committee

Update on Flood Improvement Projects

Axminster – Advanced works have started on site including channel widening improvements downstream of the railway and the installation of a tree catcher upstream of the old culvert which is to be replaced. It is hoped that the main works will follow on through October to February with access to Network Rail land anticipated early November. The challenge of gaining approval with Network Rail continues and also the legal issue over title of the old culvert is still being determined. We are pursuing these in parallel and hope that a delay will not occur as a result.

Current estimates are exceeding those initially portrayed, due to 3rd party involvement over the professional checking of design calculations and track supervision works required by Network Rail. Also a percentage uplift by the term contractor considering the works to be bridge improvements rather than flood risk management. All of these are being challenged and it is hoped that they can be reduced significantly.

The overall scheme aims to reduce the risk of flooding to 161 properties and currently has a very high cost/benefit ratio of 26:1. Additional FDGiA may be required to cover the increased costs, which will be affordable within the partnership funding score.

Braunton – Following the recent flooding incident the preferred option has been determined. This will therefore be to include an improved gravity system to the River Caen, together with a modified package pumping arrangement to lift flood flows into the river at times of high flow in the river.

As the properties to be protected are all commercial there are no OM2 benefits from the scheme, i.e. the number of households moved out of any flood probability category to a lower category, however the location has a high frequency of flooding that not only causes damage to the shops in Caen Street it also causes severe disruption to the main highway network through the village and on to those locations to the west.

The FDGiA available to the scheme is very low compared to the overall cost of the works and therefore requires a high level of local contributions. A request was put to the SWRFCC Finance Sub-Group for additional Local Levy support on top of the already committed £30k but this was refused on the basis of the OM2 score, although would match fund any contributions from the local businesses. The scheme is to provide up to the 1 in 50 year standard of protection (SoP) and it has been suggested that if the businesses wish to increase their SoP by installing Property Level Protection (PLP) measures then they could do so at their expense and would be their contribution to a greater scheme. There is a potential shortfall of £220k so a report is being presented to Cabinet on 9 November 2016 to request that DCC fund this and ensure these essential works are delivered.

A contractor is being lined up to start construction early January 2017, subject to funding approval.

Stokeinteignhead – The delivery of Phase 2 improvement works has been delayed slightly due to the requirements of 12 month ground water monitoring. This is essential site investigation works for the construction of a large earth embankment/dam which will attenuate flows upstream. Construction is therefore programmed for late summer/autumn of 2018.

Modbury – As previously reported, the design of the preferred option is well underway and a significant programme of works is being developed. It is anticipated that works will be programmed to commence 2017/18.

Uplyme – Minor improvement works reported previously are now complete. The development of the major improvements are being progressed and it is hoped, that with support through the Environment Agency, that works can be delivered early 2017.

East Budleigh – Further minor works to remove surface water ponding are being progressed for delivery over the next few months.

Ivybridge, Stibb Lane – The investigation/study being carried out by JBA is due to be completed in January. Scheme proposals will then be developed and it is anticipated that construction will take place during 2017/18 after the full environmental and economic assessments have been completed.

Property Level Protection (PLP) – A PLP scheme in Yealmpton, being delivered by DCC on behalf of the EA, is nearing completion. Products have been agreed with the property owners and will be provided during October/early November, as required.

DCC are working in partnership with Exeter City Council to deliver a package of PLP improvements in Exeter. These are to be part of the 2016/17 FDGiA allocation and DCC match funding so aim to be delivered before end of March 2017.

Action Taken in Response to the Recommendations of the Place Scrutiny Committee Flooding Task Group, as reported in November 2015 and updated where appropriate.

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.

The Local Flood Risk Management Strategy clearly identifies the roles and responsibilities of each of the Risk Management Authorities and provides relevant contact information for each. All of the RMAs websites continue to be updated to provide appropriate information to those concerned and direct to the relevant authority. A number of leaflets have also been produced by DCC's Flood Risk Management including, 'Living with Water' and 'Managing Land to Reduce Flood Risk', which are available to hand out or download from the DCC website.

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.

The Devon Operational Drainage Group continues to be a successful forum for sharing of information and best practice and remains the key platform for maintaining and developing new working relationships. The Terms of Reference for the group clearly sets out the basis of the relationship between all of the RMA's and the benefits of partnership working and has recently been updated to include Environment Agency Cornwall which has some overlap into Devon.

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

The skills matrix has been updated to reflect the available expertise across the RMAs, with the aim of opening up opportunities for shared resources and partnership working. This matrix has also been the basis of a national review through the ADEPT Flood and Water Management Group, which is just getting underway.

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.

Defra's 6 year programme is now well established and projects are being developed in accordance with the funding allocations. Where possible these are developed in partnership with other RMAs to take account of the various sources of flooding and respective responsibilities of the RMAs.

Each RMA continues to develop a programme of flood improvement projects and shares this information either through the Devon Operational Drainage Group or specific meetings that are regularly set up between the relevant authorities. The relationships have developed such that opportunities for aligning projects and working in partnership are almost common practice.

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.

The group continues to be well represented by members of all RMAs within Devon, including Torbay and Plymouth, and now with a representative from Cornwall Council, to ensure a

consistent approach to collaborative working and Flood Risk Management is maintained across political boundaries.

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.

Localised events will be dealt with at District Level but once it is recognised that it is more widespread across Devon then the sharing of knowledge and resource becomes paramount. Currently the DCC Sharepoint platform is used to share information as the event unfolds. A number of test exercises have been carried out to ensure access to the system.

It is looking likely that a new system, known as SWIM, is to become available for all RMAs to use during an incident. This is a web-based programme which allows Members of the Public, Flood Wardens and Flood Risk Management Authorities to enter details about property flooding into one system. The platform can be used to aid multiple agencies in their combined response to flooding both during an event and after. Data collected by SWIM can be quickly analysed and reported on and can be used to help inform Flood Risk Management Strategy.

The system has been developed by Dorset County Council in partnership with the Environment Agency and was used in earnest during the recent Cumbria floods. Funding for its rollout is currently being reviewed by EA nationally and it is hoped will be in place for the coming winter period.