

Phil Norrey
Chief Executive

To: The Chairman and Members of
the North Devon Locality
(County) Committee

County Hall
Topsham Road
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(See below)

Your ref :
Our ref :

Date : 12 December 2016
Please ask for : Gerry Rufolo 01392 382299

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NORTH DEVON LOCALITY (COUNTY) COMMITTEE

Tuesday, 20th December, 2016

A special meeting of the North Devon Locality (County) Committee is to be held on the above date at 11.30 am (or at the rising of the HATOC which ever is the later) at Taw View to consider the following matters.

P NORREY
Chief Executive

AGENDA

PART 1 - OPEN COMMITTEE

- 1 Apologies for absence
- 2 Items requiring urgent attention
Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.
- 3 Flood Risk Management Responsibilities and Incident Response & Recovery (Pages 1 - 6)
Report of the Head of Planning, Transportation and Environment (PTE/16/67), attached

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Part II Reports

Members are reminded that Part II reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership**County Councillors**

Councillors C Chugg (Chairman) , F Biederman, A Davis, R Edgell, M Edmunds, B Greenslade, J Mathews and J Yabsley

North Devon District Council

Councillors J Chesters and G Lane

DALC

Councillor D Chalmers

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Gerry Rufolo on 01392 382299.

Agenda and minutes of the Committee are published on the Council's Website

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The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

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Please switch off all mobile phones before entering the Committee Room or Council Chamber

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PTE/16/67

North Devon County Committee
20 December 2016

Flood Risk Management Responsibilities and Incident Response & Recovery

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the report be noted.

1. Introduction

Various organisations have specific roles within flood risk management and they need to combine all of their efforts to ensure that legal and policy requirements are correctly applied.

In Devon the organisations involved and their roles and responsibilities include:

Devon County Council – As the Lead Local Flood Authority

DCC are defined as the Lead Local Flood Authority with responsibilities for managing local flood risk in Devon from surface water, groundwater and consenting and enforcement on Ordinary Watercourses. This excludes flood risk from the sea and main rivers, which is the Environment Agency's responsibility.

Under the new Flood and Water Management Act DCC are required to:

- Develop, maintain and apply a Local Flood Risk Management Strategy.
- Investigate all significant flooding incidents.
- Maintain a register and record of important flood defence assets.
- Provide advice to the Local Planning Authorities as a statutory consultee for major development applications with surface water implications.
- Build effective partnerships between the authorities that have control over flood risk.
- Undertake specific tasks associated with the Flood Risk Regulations, including completing a Preliminary Flood Risk Assessment and identifying local Flood Risk Areas.
- Undertake works to manage flood risk from surface runoff and groundwater, consistent with the local strategy for flood risk management for the area.

Devon County Council - As the Highway Authority

DCC are responsible for maintaining and repairing highway surface water drainage systems, such as gullies, culverts and other assets and managing flood risk from surface water originating on the highway, as they do not have powers to prevent water flowing onto the highway from adjacent land nor are they responsible for this flow passing over the highway onto lower ground.

Devon County Council – As an Emergency Planner/Responder

The County Emergency Planning Service (CEPS) is responsible for ensuring the County Council is adequately prepared for and able to respond to major emergencies or disasters

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that affect Devon. The Council has a statutory responsibility under the Civil Contingencies Act 2004 to prepare plans for civil protection and to respond to emergency situations, alongside partner agencies. Emergency plans are prepared for those situations considered to carry the greatest risk or threat to the communities of Devon. Plans are prepared and tested in advance in conjunction with district councils, the emergency services and other responders under the umbrella of the Devon, Cornwall and Isles of Scilly Local Resilience Forum (LRF).

CEPS undertakes and participates in the following functions:

- Preparation of local Risk Assessments.
- Emergency preparation and planning. Plans are prepared for situations judged most likely to impact the communities of Devon or for known risks. Plans will document preventative measures to be taken wherever possible, as well as response protocols.
- Business continuity – ensure plans are in place to minimise any disruption to the Council's services. Plans cover a wide variety of emergency situations which may be through an external emergency, such as flooding.
- Emergency response – trigger points are identified to invoke response mechanisms, which will include the opening of rest centres. Devon County Council staff also help at survivors' reception centres and friends and family reception centres where required. A duty officer is on call 24 x 7 to coordinate the response.
- Recovery – CEPS will help identify resources required to aid recovery from emergency situations, including the involvement of other parts of the Council and other agencies.
- Warning and informing – there is also a duty on councils to provide information to the public and business communities on dealing with emergencies.

Environment Agency

The Environment Agency is responsible for managing flood risk from main rivers and the sea and for implementing policies set by Government. The flood risk management activities the Environment Agency is responsible for include:

- Adopting a strategic overview for all flood risk management issues, as set out by the Flood and Water Management Act.
- Developing long-term plans for sustainable flood risk management.
- Building physical flood defences.
- Maintaining designated main rivers, including flood defences.
- Flood forecasting and producing flood risk maps.
- Issuing flood warnings and ensuring public awareness of flood risk.

District, City and Borough Councils

The District Councils are the local land drainage authority and maintain their duties under the Land Drainage Act. They have specific powers for:

- Implementing and maintaining flood defences on ordinary watercourses, including clearing blocked watercourses as specified in the Land Drainage Act.
- The preparation of development plans and making decisions on planning applications based on planning policy.
- Managing flood risk on Ordinary Watercourses.

South West Water

Water Companies are responsible for operating and maintaining the condition of sewerage systems, covering foul water, surface water and combined systems, to reduce sewer flooding and have a more formal role in the management of surface water from residential and commercial buildings.

Braunton Marsh Internal Drainage Board

Internal Drainage Boards are independent bodies with powers to undertake land drainage work in areas of special drainage needs, as required by the Land Drainage Act. They are also responsible for the management of the water levels in ordinary watercourses maintaining drainage infrastructure within their area all matters of environmental and recreational nature.

Riparian Owner Responsibility

A riparian owner is someone who has a watercourse within or adjacent to any boundary of their property. Where a watercourse is sited between two or more property boundaries each owner may be equally responsible. Riparian owners are responsible for maintaining the river bed and banks within their section of the watercourse. It is their duty to work towards minimising pollution and preventing obstruction to the water flow.

Homeowners

Homeowners can reduce flood risk to their own property by:

- Adapting their building, to improve its resistance and resilience to flooding, for example by using waterproof materials in the walls and floors or adding door and window flood barriers.
- Gaining a greater awareness of flood risk by signing up to receive flood warnings.

2. Key Stages of Dealing with a Flood Incident

Stage 1 - Advance Planning

Improving community resilience is a key aspect to Emergency Planning. A resilient community is a community that steers itself towards a more sustainable future. In relation to flood risk, it is a community that is aware of the risks that it faces from flooding and the precautions that can be made to limit the damages in the event of a flood, including any flood warnings or emergency plans in place. Therefore, there is a key role for Devon County Council (DCC) and District level Emergency Planning in the effective management of flood risk in Devon and to contribute to reducing the harmful consequences of flooding as much as possible through well prepared plans and involvement in this Local Strategy.

Multi Agency Flood Plan - The Multi Agency Flood Plan (MAFP) for Devon, Cornwall and Isles of Scilly sets out the principles that govern the multi-agency response to a significant flood incident. The plan has three tiers listed below and Figure 12.1 summarises all of the plans associated with the MAFP. The purpose of the MAFP should not be confused with the purpose of this strategy and should be used in conjunction with this document as the MAFP contains important and relevant information for an emergency flooding situation.

Tier 1: Strategic overview - The first tier is the main plan of how all of the relevant organisations will respond, which provides a strategic overview of actions, roles and

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responsibilities specific to flooding and tactical information based on Local Authority boundaries.

Tier 2: Location specific annexes - The plan is supported by tier 2; several annexes specific for each upper tier local authority involved, i.e. Isles of Scilly, Torbay, Devon, Plymouth and Cornwall. These annexes must be used in conjunction with the main MAFP.

Tier 3: High risk response plans - High risk response plans are specific response plans for individual communities at a high risk of flooding. They are primarily multi-agency plans for large scale evacuation and should not be confused with the community emergency plans that deal with smaller scale events that can be managed using local resources.

Community Emergency Plans - Community Emergency Plans, or the more specific Community Flood Action Plans, are plans bespoke to a community setting out procedures to be followed in case of an emergency, including a flood event. These plans are in addition to the Multi Agency Flood Plan and are developed by members of the individual community with help and guidance from the Environment Agency and Local Authorities. These plans should identify vulnerable locations at risk such as hospitals, schools and nurseries and essential infrastructure such as power stations and water treatment works. Resilient transport routes in and out of high risk areas should also be identified.

Currently there are only 4 communities in North Devon that have developed their plans and these are in Berrynarbor, Bishops Tawton, Braunton and Ilfracombe.

The Devon Community Resilience Forum - Key agencies and organisations across Devon: the Police, Fire Service, Environment Agency, Devon County Council, Plymouth and Torbay Councils, District Councils, Devon Communities Together and the Devon Association of Local Councils have come together to form The Devon Community Resilience Forum.

The aim of the Forum is to work with communities and individuals to harness local resources and expertise, to help plan how to prepare, respond and recover from events such as flooding either alongside the Emergency Services, or in the absence of Emergency Services due to abnormal conditions. The forum is also bringing together community representatives and practitioners to consider key resilience issues and provide communities with advice and support.

Devon Communities Together because of its wide experience of working with local communities and a wide range of resilience issues are managing the Forum and are hosting its website which provides supporting materials, such as a Community Emergency Plan template, guidance and case studies.

There are two Devon Community Resilience Forum events every year, comprising talks, workshops and a marketplace for resilience products. Interested parties are able to network with fellow communities, to share ideas, lessons learned and mutual support.

Stage 2 - Flood Response

As category 1 responders, Devon County Council and its District Councils provide an Emergency Planning Service, that, in conjunction with the Emergency Services, major utilities and other local authorities, co-ordinates the required level of response to major emergencies. These emergency incidents will most likely be led by the Police or another emergency service but have different levels of command set up throughout different authorities. These levels are bronze (operational), silver (tactical) and gold (strategic) commands. These different roles are detailed in the Multi-Agency Flood Plan.

Highways – During an incident Highways will manage the risk of flooding on the roads and will carry out reactive maintenance as required to ensure traffic disruption and any threat of flooding to properties is minimised.

Local Resilience Forum (LRF) - The Devon, Cornwall and Isles of Scilly Local Resilience Forum has been established in response to the statutory requirements of the Civil Contingencies Act 2004. This requires emergency responders to meet at least once every six months in order to *'establish and maintain effective multi-agency arrangements to respond to major emergencies, to minimise the impact of those emergencies on the public, property and environment...'*

Role of Emergency Services - Emergency services in Devon will respond to emergency calls during the flood incident and also chair the command and control meetings. Once the immediate emergency and danger is over and the recovery phase has been handed over to the relevant local authority, the emergency services will take a step back from the recovery group. It should be noted that during a flood event, only the Police have the authority to instruct a road to be closed.

Sandbags - No authorities are responsible for the provision of sandbags, however, some District Councils and Parish or Town Councils do provide sandbags to protect homes and property. This level of service differs across the County.

Stage 3 - Recovery Phase

At the end of the immediate emergency response and relief phases of an emergency, where there is no longer threat to life and property, the responsibility for co-ordination of multi-agency response will transfer from the Police to a Local Authority for the remediation and reconstruction of the community. This is normally in the form of a Recovery Coordination Group.

Devon Flood Recovery Coordination Group - In the first instance this is led by DCC while details are established. If the incident proves to be widespread across the County then DCC will continue to manage the process, however if it is found to be in just one or two districts then those District Councils will take the lead in their area.

Flood Investigations – On becoming aware of a flood DCC, as the Lead Local Flood Authority, must investigate which risk management authorities have the relevant responsibilities, and whether they are responding or proposing to respond to the flood. When a significant threshold of property flooding is reached a high level Flood Investigation Report is produced by DCC to highlight the source and extent of flooding and makes recommendations for the authority with the appropriate powers to consider.

Investment in Flood Risk Management - All Risk Management Authorities in Devon have a role to investigate and promote opportunities to deliver flood risk management activities that will aim to reduce the number of properties at risk of flooding.

Investment can be considered in two ways; proactive and reactive. At Devon County Council a number of **proactive** studies have been carried out following on from the initial Preliminary Flood Risk Assessment, completed shortly after DCC became the Lead Local Flood Authority. This, together with a strategic Surface Water Management Plan (SWMP) for Devon, identified areas of significant risk that required more detailed investigations. As a result individual SWMPs were carried out for Braunton, Ilfracombe, Exeter, Sidmouth and Exmouth and a series of smaller drainage investigations completed in other areas across the County.

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Other opportunities for investigating flood risk are considered to support specific initiatives or concerns, such as the Barnstaple Flood Study. This considered the flood risk to the Pilton area of Barnstaple, North and East of the River Taw and alongside the banks of the River Yeo to inform any future defence requirements for the protection of existing properties and to facilitate future redevelopment of housing and employment sites in this part of the town.

3. Further Information

1. DCC Flood Risk Management web pages
<https://new.devon.gov.uk/floodriskmanagement/>
2. Devon Local Flood Risk Management Strategy and Newsletters
<https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/>
3. Recent Cabinet Report on Braunton scheme
<http://democracy.devon.gov.uk/documents/s5058/PTE1652.pdf>
4. Recent Scrutiny Flood Risk Management Update report
<http://democracy.devon.gov.uk/documents/s5123/mh251016psc%20Update%20on%20the%20Devon%20Local%20Flood%20Risk%20Management%20Strategy.pdf>

Dave Black
Head of Planning, Transportation and Environment

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

Contact for enquiries: Martin Hutchings

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Background Paper	Date	File Ref.
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None

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sc/cr/flood risk management responsibilities incident response and recovery
02 131216