

Flood Risk Management Action Plan 2019/20

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: It is recommended that Cabinet approves the implementation of and associated financial allocations for the County Council's 2019/20 Flood Risk Management Action Plan.

1. Summary and Purpose of Report

The purpose of this report is to present to Cabinet the achievements that have been made in delivering the essential flood improvements set out in the previous Action Plan for 2018/19 and to seek approval for the 2019/20 Action Plan. It highlights how Devon County Council's Flood and Coastal Risk Management Team has collaborated with other Risk Management Authorities (RMAs) and outside organisations to deliver the essential flood improvements and statutory functions, in accordance with the principles set out in the Local Flood Risk Management Strategy for Devon. The report also confirms the scale of achievements and targets met and the level of external funding that has been successfully gained from Defra's Flood Defence Grant in Aid, the 'Local Levy' and other partnership contributions.

2. Update on Achievements for 2018/19

The Flood and Coastal Risk Management Team has continued to work in partnership with other RMAs to investigate areas at risk of flooding and to deliver a number of critical flood improvement schemes to communities that have suffered significant flooding in recent years. Almost £3million has been invested in 2018/19 with over £940k of national flood funding drawn down from Defra, £150k through the Regional Flood & Coastal Committee's Local Levy and £222k from others, including £100k from South West Water and £50k from South Hams District Council. As a result, 150 properties have benefitted from a reduced risk of flooding through completed schemes, including those at Modbury, Uplyme, Bideford and Frogmore. In addition, over 200 further properties are due to benefit from schemes that are currently underway in Exeter, Sidmouth and Ivybridge. A detailed account of all schemes that have received investment during the 2018/19 period can be found on the DCC Flood Risk Management website at the following link: [Achievements in Flood Risk Management in 2018/19](#).

As reported last year, one of the major problems for scheme delivery is the requirement to undertake certain works on land where there will be no benefit from the flood improvements. The resulting disruption to affected landowners and business, the need to use legal powers of entry and the associated costs and compensation payments can make a scheme unviable. These issues have been evident for planned schemes in Stokeinteignhead, Cullompton, Chillington and Ugborough. Whilst alternative approaches and additional funding are being explored in these cases, it has prevented the anticipated scheme delivery within the anticipated 2018/19 period.

Beyond these main schemes, our Property Level Resilience Grant Scheme has been over-subscribed by property owners requesting resilience measures for their homes. A total of 40 properties have been protected, against a target of up to 25 properties for the year. There has also been ongoing work with the Devon Community Resilience Forum, which was setup in partnership with DCC, the Environment Agency, Fire and Rescue and the Police and hosted by Devon Communities Together. This is now in its third year and has continued to support communities in preparing their emergency plans and providing funding to purchase the relevant equipment to deliver their plans.

In addition to scheme delivery, there is ongoing work on statutory duties with approximately 470 new planning applications to be reviewed each year for their suitable provision of surface water management in line with DCC's Guidance for Sustainable Drainage. As well as these new cases, many applications require ongoing dialogue with the Local Planning Authorities and/or the applicant and their consultants at numerous stages throughout the planning process. To improve the efficiency of this process, a fee-paying pre-application service was introduced in October 2018; this should help encourage the early uptake of appropriate sustainable drainage systems and assist with a more strategic approach being adopted by developers. A sliding scale fee system has been established with an initial free signposting and up to a £500 charge for the largest developments. In the first few months of delivering this additional service we received 21 'pre-app' requests, with 6 requiring a detailed response, bringing in an additional £1,300 of fees.

The Flood Risk and Coastal Risk Management Team also administer the Land Drainage Consent process, through which changes to 'Ordinary Watercourses' are considered; this same process is delivered by the Environment Agency for those watercourses designated as 'Main River'. In 2017/18 a total of 56 applications were received, whereas by the end of January (month 10) in 2018/19 there have been 49 applications received and completed. In addition, there is an ongoing workload resulting from public and landowner enquiries and complaints relating to obstructions to Ordinary Watercourses and other drainage and flood risk issues. Such cases are often time-consuming and, sometimes, highly contentious; on two occasions this year there has been a requirement to issue an enforcement notice.

3. Proposed Action Plan for 2019/20

In accordance with the Local Flood Risk Management Strategy for Devon and current government priorities, the aim is to reduce the risk of flooding to properties across the county. It is also a strategic aim of the authority to make communities more resilient. On this basis, the proposed Flood Risk Management Action Plan for 2019/20, attached in Appendix I, continues the ongoing delivery of flood improvements and resilience measures for some of Devon's high-risk communities and vulnerable householders. The Action Plan highlights the priority communities that will receive the required funding to deliver essential flood improvements. Most of those shown are ongoing projects that have either already commenced or are due to start in 2019. The large investment required for the current delivery programme and the shortage of funding nationally provides little scope for bringing further projects forward at this point.

Increased consideration is being given to the use of Natural Flood Management (NFM) measures to promote flood improvements at a catchment scale. This may provide the option to reduce the scale of a hard engineering scheme or, alternatively, 'future proof' it against the effects of climate change. DCC will continue to work in partnership with other organisations to deliver such NFM measures, including the Northern Devon Biosphere Reserve through its 'Culm Grassland Project', the East Devon Catchment Partnership for the delivery of NFM measures in Ottery St Mary and with the Blackdown Hills Area of Outstanding Natural Beauty (AONB) on their 'Woods 4 Water' and 'Connecting the Culm' projects.

Work to make Devon more resilient to the effects of severe weather will continue through the successful platform of the Devon Community Resilience Forum, established jointly by DCC, the Environment Agency, Fire and Rescue and the Police and hosted by Devon Communities Together.

4. Options/Alternatives

With the ongoing risk of flooding to properties and communities within Devon and the flooding experienced over recent years, there continues to be a high political and public expectation (nationally and locally) to deliver a significant programme of flood improvements. The 'do nothing' or 'do minimum' options are, therefore, considered to be unrealistic and have been discounted. The preferred option is for DCC to continue to operate as a high performing authority and deliver essential flood improvements within its area. In so doing, it will work in partnership with other RMAs and invest in schemes delivered by others when appropriate to do so.

All projects delivered through the Action Plan will be scoped and a series of options will be appraised to ensure the most cost beneficial and viable scheme is promoted and delivered within the available budget. External funding through Defra's Grant in Aid, the Local Levy and contributions from other RMAs will be sought to support the delivery of all flood improvements. To allow for any changes to the programme due to issues outside of our control the formal procedure for gaining financial approvals will be used to adjust the budget allocations.

In some cases what holds up the delivery of interventions is the inability to acquire small parcels of land. In these cases consideration will be given to the use of Compulsory Purchase Powers.

5. Consultations/Representations/Technical Data

As individual flood improvement schemes are developed, there will be the need to consult with all those that will be affected by the works, including landowners, local businesses and service providers, such as bus companies. It is also of great benefit to consult any flood action group, parish/town council, elected members and other RMAs to understand any local requirements or to explore partnership funding opportunities.

The method and level of consultation for each scheme will depend on the scale of flood improvements. Minor works, such as property level resilience measures, affecting only 1 or 2 properties, only require consultation with the property owners; in contrast, larger community projects may require full public exhibitions and presentations to be given at relevant parish/town council meetings.

Technical information will be shared amongst other RMAs to consider opportunities for collaborative partnership working. This can minimise disruption, achieve multiple benefits and provide valuable funding contributions for the much-needed flood improvements. All RMAs regularly meet through the Devon Operational Drainage Group to share information on past, present and future flood improvements.

6. Financial Considerations

The current process for funding the delivery of flood improvements requires local partnership contributions to support the national funding that can be achieved. A combined total of just over £1million from the Planning, Transportation and Environment flood risk management revenue budget and the flood prevention capital budget will be invested to deliver the Action

Plan for 2019/20. Further funding, likely to be in excess of £1million, will also be generated through Defra Flood Defence Grant in Aid and the Local Levy. Where possible, contributions from other RMAs and local businesses/landowners will also be sought.

As in previous years, the Action Plan shows a level of over programming; however, in 2019/20 it is proposed to increase this to 30% of the available budget. This reflects the need for increased flexibility due to several large projects reaching the construction phase at a similar time. Scheme delivery and contract obligations will need to be carefully managed and prioritised throughout the year to ensure overall expenditure is kept within the available budgets and external funding and contributions from others are maximised. If necessary, some schemes may need to be reprofiled or deferred until a later date within the DCC 5-year capital programme or to the final year of Defra's current 6 year programme ending in March 2021.

7. Legal Considerations

The main duties on and powers available to Lead Local Flood Authorities are defined in the Flood and Water Management Act 2010 and the Land Drainage Act 1991; all flood risk management activities carried out by DCC in this role accord with these Acts. Where necessary, the available enforcement powers are used to ensure watercourses maintain a free flow of water and there are no unlawful activities or structures built within an ordinary watercourse. Any works involved in delivering flood improvements, that require access onto third party land, require a legal notice to be served on the landowner, whereby compensation is payable.

8. Environmental Impact Considerations

In the delivery of its flood risk functions, it is essential that any potential impacts on the environment are appropriately assessed and mitigated. Where practicable, measures for the creation of habitat or other ecological enhancement should be considered. A high-level Strategic Environmental Assessment (SEA) was carried out as part of the Local Flood Management Strategy process; this will be repeated through the forthcoming review of this Strategy. In addition, specific environmental assessments are required for individual flood improvements schemes to a level of detail commensurate to the scale of improvements being promoted.

9. Equality Considerations

In a similar manner, a high-level impact assessment of the Local Flood Risk Management Strategy was undertaken (and will be repeated through the forthcoming review process) to ensure that equality and socio-economic concerns are appropriately considered and dealt with accordingly. All individual schemes will also be subject to an equality impact assessment in accordance with DCC's corporate procedures.

10. Risk Management Considerations

There is a high risk of flooding to many communities in Devon and, over recent years, this has proven to be a reality for many property owners. It is part of DCC's role, as Lead Local Flood Authority to contribute to an analysis of this risk and to address it through the Local Flood Risk Management Strategy for Devon. To mitigate these risks an Annual Action Plan is produced, which is targeted at reducing the risk of surface and ground water flooding to those communities considered to be at greatest risk and with greatest need for intervention. A similar process is undertaken by the Environment Agency for those affected by coastal and river flooding.

The current financial situation is a considerable risk to the delivery of many essential flood improvements. Defra funding and Local Levy is limited and prioritised against government targets, known as outcome measures. The key target being to reduce the risk of flooding to 300,000 properties across the country. Many communities in Devon have low numbers of properties, which proves challenging when competing against more urban areas in the country, especially as some of the larger communities in Devon are being tackled.

In many locations the delivery of flood improvements affects third party landowners or areas of the community that will not actually benefit from the works. This increases the challenges faced with delivering flood improvements and in some cases prevent delivery.

11. Public Health Impact

It is recognised that the effects of flooding are not just materialistic but are very distressing to the property owners, leading to mental health issues. The contaminated floodwaters can also cause illness and deep water has the risk of drowning. The ongoing delivery of essential flood improvements across Devon will reduce the risks to life and enhance the health and wellbeing of those communities and affected residents, making Devon a better place to be.

12. Discussion

DCC is well respected for the delivery of essential flood improvements and is helping to achieve the government's target of reducing the risk of flooding to 300,000 homes across the country. Within the first 4 years of Defra's 6-year £2.6 billion programme, DCC will have reduced the risk to over 390 residential and 66 commercial properties. It is also expected that at least a further 350 properties will benefit in the final 2 years of Defra's programme, with up to 250 of these being achieved through this proposed Action Plan for 2019/20.

One of the biggest challenges for Devon is the very wide spread of properties that would benefit from flood defences across a large number of disparate communities. This affects the level of Defra Flood Defence Grant in Aid (FDGiA) that can be generated and therefore requires a larger degree of local contribution to fund the works, usually from the County Council, but sometimes in collaboration with other RMAs. Over the 6-year period of the Defra programme, it is expected that over £7 million will be invested in partnership schemes delivered by DCC, which will be funded 45% DCC, 40% FDGiA, 10% Local Levy and 5% other RMAs/organisations. This is in addition to the £3million contribution made by DCC for the major Exeter Flood Defence Scheme delivered by the Environment Agency.

13. Conclusion and Reason for Recommendation

The threat of flooding to individual properties and whole communities continues to be a high risk for the people of Devon and, with the effects of climate change and more extreme weather conditions, this risk is only likely to increase. The greatest threat of flooding to properties in Devon is from surface-water runoff, which is the specific responsibility of DCC as the Lead Local Flood Authority. It is, therefore, vital that the authority continues to act appropriately and invests in the ongoing programme of flood investigations and scheme delivery to reduce the number of properties at risk. This can only be achieved by working in partnership and supporting other RMAs to deliver collaborative solutions to complex issues. With this ongoing commitment the communities of Devon will become more resilient, safe and prosperous, in line with the strategic aims of the authority.

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Head of Planning, Transportation and Environment

Electoral Divisions: All

Cabinet Member for Community, Public Health, Transportation and Environmental Services:
Councillor Roger Croad

Chief Officer for Communities, Public Health, Environment and Prosperity: Virginia Pearson

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Reference
1. Government Programme of Flood and Coastal Erosion Risk Management Schemes	Re-published March 2018	https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes
2. Devon Local Flood Risk Management Strategy	June 2014	https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/

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Devon County Council Action Plan for 2019/20 to Support the Local Flood Risk Management Strategy						
Projects/Works/Schemes	Lead Authority	Study, Design or Works	2019/20 DCC FRM Contribution £	2018/19 DCC FPW Contribution £	Other External Funding Sources £	Details of Proposal
Devon						
Flood Risk Management Team cost	DCC	-	350,000			Resources required to deliver Flood Risk Management functions as the Lead Local Flood Authority and Statutory Consultee for SuDS.
Minor Works and Improvements	DCC/Others	W	30,000			Delivery of minor flood improvement works, subject to resources and in accordance with the DCC priority list and opportunities with other Risk Management Authorities/Local Communities.
Minor Flood Investigations/Studies	DCC/Others	S	30,000			Delivery of investigations, surveys and studies, subject to resources and in accordance with the DCC priority list and opportunities with other Risk Management Authorities/Local Communities.
Property Flood Resilience	DCC/Others	W	50,000		125,000	Allocation of funds for flood resilience measures through the Property Level Resilience Grant Scheme. Supported with additional £75k Flood Defence Grant in Aid and £50k Local Levy, subject to approval. Including South Pool PFR Scheme.
Community Resilience and support	DCC	S/W	20,000			To support delivery and provision of grants through the Devon Community Resilience Forum and to provide assistance to communities for the delivery and provision of Flood Resilience Measures and monitoring.

Natural Flood Management / Working with Natural Processes	DCC/Others	S/W	50,000			To develop best practice and progress opportunities for delivering natural flood risk management techniques in partnership with other stakeholders, including the Biosphere Reserve Culm Grassland Project and the Blackdown Hills AONB Woods4Water and Connecting the Culm projects.
East Devon						
Sidmouth Surface Water Improvements - Design	DCC	W	40,000	100,000	369,000	Completion of Phase 1 surface water drainage works and the detailed design and construction of phase 2 flood attenuation works.
Clyst St Mary	EA	W	50,000			Contribution towards the major scheme being delivered by the Environment Agency to support the surface water management element of the scheme.
Ottery St Mary NFM	DCC	W	40,000			Delivery of Natural Flood Management measures in partnership with the East Devon Catchment Partnership and to progress hard engineered improvements, as recommended in the flood study.
Colaton Raleigh	DCC	S	20,000			Catchment study and consideration of options including the proposal of upstream natural flood management.
Exeter						
Exeter Surface Water Improvements - Design	DCC	D	50,000	100,000	322,000	Completion of Phase 1 surface water drainage works and the detailed design and construction of phase 2 flood attenuation works.
Mid Devon						
Cullompton Flood Improvements	DCC	D/W	30,000		40,000	Review of scheme options and delivery of preferred flood resilience measures.

North Devon						
Ilfracombe	DCC	S	15,000			Review of previously prepared Surface Water Management Plan and consideration of flood improvement options to be developed in the next funding programme. Subject to other priorities.
South Hams						
Modbury Flood Management Scheme	DCC	D/W	40,000		85,000	Completion of major construction works and contingency for project completion.
Ivybridge Flood Improvements	DCC	D/W	50,000	150,000	385,000	Completion of detailed design and business case to secure Flood Defence Grant in Aid and deliver construction phase for the essential flood improvements.
Chillington	DCC	W	65,000		65,000	Review current position and deliver preferred option for flood improvements.
Kingsbridge Study	SWW	S	10,000			Contribution towards ongoing study and hydraulic modelling, in partnership with other RMAs.
Ugborough	DCC	D/W	30,000		80,000	Finalise detailed design of flood improvements and subject to funding approval for cost beneficial scheme, deliver construction phase for catchment.
Frogmore	PC	W	20,000			Final contribution towards Parish Council led flood improvements.
Teignbridge						
Stokeinteignhead	DCC	D/W	100,000	50,000	365,000	Finalise detailed design, develop and submit Business Case to secure Defra FDGiA and phase construction of the essential flood improvements.
Teignmouth	DCC	S	15,000			Review of previously prepared Surface Water Management Plan and consideration of flood improvement options to be developed in the next funding programme. Subject to other priorities.
Total Budget Allocation			1,105,000	400,000	1,836,000	

The above budget allocations are estimates that are subject to change or maybe deferred as other priorities and opportunities arise. The total expenditure currently shows a 30% over-budget spend to allow for delays, efficiencies and reprioritising. This will be monitored throughout the year to ensure the available budget is not exceeded and will defer projects as required.						
Incoming Budgets						
LLFA Flood Risk Management Budget (FRM)			808,000			Grant to fulfil requirements as the LLFA as defined under the Flood and Water Management Act
Miscellaneous Income			1,500			Fees for consents and recharges etc.
Carry over from 2018/19 for committed works			TBC			Subject to approval
DCC Capital Flood Prevention Works Budget (FPW)				350,000		Capital budget for Flood Defence Works
FDGiA / Local Levy					1,781,000	Defra Grant in Aid and Local Levy administered by the SWRFCC
Total Budget			809,500	350,000	1,836,000	Total