

## Flood Risk Management Action Plan 2020/21

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendation is 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 the County Council's 2020/21 Flood Risk Management Action Plan and associated financial allocations and secured funding to deliver the actions, equating to almost £3million.

### 1. Summary and Purpose of Report

The purpose of this report is to present to Cabinet the achievements of Devon County Council's (DCC) Flood & Coastal Risk Management Team in delivering the essential flood improvements approved in the 2019/20 Action Plan and to seek approval for the new 2020/21 Action Plan. The report details how DCC has worked in partnership with the other Risk Management Authorities to reduce the risk of flooding to residential and commercial properties across Devon and the level of external funding that has been secured to support delivery of these much-needed improvements.

### 2. Update on Achievements for 2019/20

Over the past year the focus of project delivery for the Flood and Coastal Risk Management Team has been to continue progress on several major flood improvement schemes that will reduce the risk to a large number of residential properties. Many of these schemes have been developed over recent years and are now either in, or approaching, the construction stage of the project. As reported previously, the delivery of such schemes can take in excess of 5 years from inception through to construction due to the complexities with budget justification, landowner agreements, local expectations, funding limitations and partnership opportunities with other Risk Management Authorities.

In 2019/20 the flood improvement scheme for Modbury was completed and is now operational, providing flood protection to 50 residential and 32 commercial properties. The first phase of the Northbrook Surface Water Improvements has also been completed and the second phase has now achieved planning permission for delivery in the Spring of 2020; together, these will help to reduce the risk of flooding to over 55 properties. A further 76 properties will benefit from the works currently being constructed at Claymans Pathway in Ivybridge and a small scheme at Ugborough will benefit at least 6 properties. Also, a scheme focussing on Natural Flood Management (NFM) measures, including the reinstatement of a wetland attenuation area, has been completed in Ottery St Mary, with the close engagement and support of the landowner. The bespoke DCC Property Level Resilience project, now referred to as Property Flood Resilience (PFR), continues to be popular with Devon residents, with 18 individual properties completed and a further 38 in progress. More detailed information about each of these projects is available in the [published progress report](#) also available via the [DCC Flood Risk Management web pages](#).

Schemes at Stokeinteignhead and Sidmouth have both faced considerable challenges that have delayed their progress. The proposals at Stokeinteignhead have had to be significantly reduced in scale due to affordability and the first phase at Sidmouth has had to be deferred for further investigations due to problems with the deliverability of the original proposals. Other projects at South Pool and Cullompton are also, unexpectedly, behind schedule due to procurement delays.

The current Devon Local Flood Risk Management Strategy was published in May 2014, covering the period of 2014-2020, and is due to be updated at the end of the year. We have started the process of reviewing the strategy and will be updating it to align with the Environment Agency's National Strategy, which is due to be published very shortly. This work is being overseen by an internal Project Board, which includes the Head of Planning, Transportation & Environment, the Environment Manager and Elected Members representing DCC on the South West Regional Flood & Coastal Committee. Its principal focus will be on making communities more resilient to flooding, as it is recognised that it is becoming increasingly impractical to continue to defend properties by further increasing the scale of defences. A draft strategy will be presented to Scrutiny prior to going out to public consultation during the late summer/autumn; following its adoption by Cabinet, the new strategy is expected to be published in January 2021.

Providing advice and comment on surface water management proposals for new major development continues to be a work priority for the team, with additional resources being reassigned to support this function. Over 480 new applications have been consulted on over the past 12 months, a slight increase to the figure reported last year. Many of these applications require several exchanges with the applicant before a satisfactory proposal is submitted. In addition to those applications being submitted to us for 'major developments', the introduction of a pre-application service for those that fall outside of our statutory role has increased the number of applications being reviewed. A total of 37 'pre-app' submissions have been reviewed in the past 12 months. The team has also represented DCC at Planning Committee meetings, planning enquiries and strategic development assessments, as required.

Other statutory functions fulfilled over the past 12 months have included the processing of 94 applications for Land Drainage Consent and the requirement to serve formal enforcement notices at 3 locations, where landowners have failed in their riparian duties to maintain a free flow of water in their section of a watercourse.

### **3. Proposed Action Plan for 2020/21**

We are now entering the final year of Defra's 6-year Flood & Coastal Erosion Risk Management Programme and DCC's priorities will, therefore, be to deliver those projects being supported by Defra's Flood Defence Grant in Aid (FDGiA) in this current funding window. Many of these projects have been ongoing for several years and are now reaching the final stages of delivery. Schemes at Ivybridge, Exeter and Stokeinteignhead are set to be completed in the first half of the new financial year and the first phase of Sidmouth Flood Improvements at the Knowle aim to commence late Spring 2020. In addition, a new scheme at Chillington is to be progressed and flood issues at Colaton Raleigh are to be investigated further.

The PFR scheme will continue to deliver flood resilience measures to those individual properties unlikely to benefit from any wider catchment improvements in the near future. Two community PFR schemes at South Pool and Cullompton, currently awaiting procurement, will also be implemented in the new financial year.

There will be ongoing support for Natural Flood Management initiatives, including the Blackdown Hills AONB's Connecting the Culm project and the Northern Devon Nature Improvement Area's Culm Grassland project. Routine consideration will also be given to Natural Flood Management opportunities, either as self-contained projects or as an integral element of wider works, during the delivery of all flood improvement capital schemes.

In anticipation of the next Defra funding programme, DCC's Flood & Coastal Risk Management team will work closely with other Risk Management Authorities to seek opportunities for collaborative working and to consider prioritising new areas for investment in flood improvements. This will be developed alongside the updating of the Local Flood Risk Management Strategy and aligned to the vision of the new National Strategy in making Devon's properties more resilient to flooding.

#### **4. Options/Alternatives**

In view of the continued risk of flooding across the County, 'do nothing' and 'do minimum' options do not align with political and public expectations and have, therefore, been discounted. The preferred option is to consider the scale of affordable flood improvements that can be justified based on known / anticipated priorities and available budgets. In most cases this will involve working in partnership with other Risk Management Authorities to achieve multiple benefits and to maximise external funding opportunities to supplement allocated DCC revenue and capital budgets.

Each individual scheme will undergo a process of optioneering to determine the preferred approach that will deliver maximum benefit within an affordable and justifiable budget. Where possible funding will be achieved through Defra's Flood Defence Grant in Aid, Local Levy and other Risk Management Authorities.

#### **5. Consultations/Representations/Technical Data**

It is essential that all flood improvement schemes are communicated with key stakeholders, partners and recipients benefitting from the works. Getting local buy-in and support to the scheme will help in bringing others on board and assist with delivery. Full consultation will be required with anyone being affected by the works, including landowners, local businesses and service providers and those where formal approval or consent is required, such as for planning permission, land drainage consent and traffic management.

The level of consultation will be proportionate to the scale of proposed improvement works. When delivering Property Flood Resilience (PFR) to individual properties it may only be necessary to communicate with the directly affected property owner, unless listed building consent is required whereby the Local Planning Authority would need to be consulted also. Larger, community-based, projects require wider consultation through public exhibition and presentations, which convey technical information and enable feedback on how to minimise disruption and unintended consequences.

Opportunities for collaborative partnership working will be considered for all schemes through the sharing of technical information with other Risk Management Authorities. This can reduce costs to a single authority and achieve multiple benefits.

During the late summer / autumn months of 2020 it is also planned to undertake consultation on the draft version of the new Local Flood Risk Management Strategy, which will consider the collective approaches applied by Risk Management Authorities in Devon as well as the specific role of DCC as the Lead Local Flood Authority.

## **6. Financial Considerations**

The national funding process for Grant in Aid requires an element of partnership funding to achieve the full funding requirements. It is estimated that £1.032 millions of Defra Flood Defence Grant in Aid will be drawn down to assist the delivery of the 2020/21 Action Plan and this will be supported with £300,000 of Local Levy, administered by the South West Regional Flood and Coastal Committee, over £818,000 of DCC Revenue and £499,000 Capital budget and at least £100,000 in partnership contributions from other Risk Management Authorities. The 2020/21 revenue and capital budgets are as approved at Cabinet and Council in February 2020.

To take account of uncertainties over scheme delivery, including landowner agreements, service clashes, cost benefit analysis, scheme justification and works programming, the Action Plan (see Appendix 1) shows a financial over-allocation of almost 30% (or £232,000) in the revenue budget. This will be monitored throughout the year to ensure that commitments remain within the approved budgets.

## **7. Legal Considerations**

All flood management activities carried out by DCC are in accordance with the powers and duties placed upon them by the Flood and Water Management Act 2010 and the Land Drainage Act 1991. For the purpose of reducing the risk of flooding to residential and commercial properties, DCC may use their relevant powers to carry out works, enforce any unlawful activity or to ensure landowners carry out their riparian responsibilities, such as maintaining a free flow of water in their section of watercourse. A legal notice can be served on a landowner if access is required onto their land for flood related activities and any compensation due shall be paid.

## **8. Environmental Impact Considerations**

When delivering flood improvements, it is a requirement to consider all potential impacts on the environment and to mitigate and/or enhance wherever it is possible to do so. DCC is committed to providing Natural Flood Management measures, either as stand-alone projects or to enhance engineered solutions, wherever practicable. This involves a wider catchment approach when considering the appropriate flood improvements.

With the increasing risk of flooding, due to more frequent and intense rainfall events associated with climate change, it is essential for appropriate mitigation measures to be implemented for all schemes being delivered or consulted on within this emerging programme. The appropriate use of sustainable drainage and natural flood management measures will be embedded in the delivery of all flood improvements to assist in mitigating the impacts of climate change.

A high-level Strategic Environmental Assessment (SEA) was completed for the current Local Flood Management Strategy and will be revised for the new Local Strategy, currently being drafted. Scheme specific environmental assessments will also be carried out in a manner relative to the scale of works being implemented.

## **9. Equality Considerations**

In accordance with DCC procedures, an Equality Impact Assessment was carried out for the current Local Flood Risk Management Strategy to ensure equality and socio-economic concerns are considered and dealt with appropriately; this will be revised and updated for the new Strategy, which is currently being drafted. Consideration will also be given to

scheme-specific equality considerations for all relevant flood improvements shown on the attached Action Plan.

## **10. Risk Management Considerations**

The risk of flooding continues to be high across the county and, with new climate change predictions, this will increase in future years. DCC, as the Lead Local Flood Authority, has a responsibility to ensure flood risk is mitigated from surface water, ground water and ordinary watercourses and to work in partnership with the Environment Agency, who manage the risk from main rivers and the sea. This 2020/21 Action Plan aims to continue the hard work being progressed by the Flood & Coastal Risk Management Team in targeting those Devon communities considered to be at most risk

As we are now entering the final year of Defra's 6-year programme there is uncertainty over what funding arrangements will be in place for future investment in flood risk management. Early indications are that a new funding programme will be established; on this basis the Flood Risk Team is already developing proposals for a future programme. A collaborative approach with other Risk Management Authorities, including the Environment Agency, South West Water and District Councils, helps to maximise investment potential and scheme delivery.

Managing communities' expectations is challenging when considering affordable flood improvements. All schemes have to show a cost beneficial solution, which is an issue when dealing with some small communities in Devon with relatively low numbers of properties. This does not attract the same level of funding compared to that of a larger urban town holding a higher concentration of properties at risk. In order to achieve maximum funding, there is a lot of justification works to be carried out at risk before determining whether the scheme is cost beneficial and deliverable within the available budget.

Other considerations such as planning permission, listed building consent, ecological constraints or road opening notices are further risks that can significantly affect delivery of flood improvement works.

## **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 continues to act as a high performing Lead Local Flood Authority by adopting a thorough approach to the implementation of its statutory responsibilities. Future flood risk linked to new development is avoided by reviewing all major planning applications and ensuring a suitable surface water management system is proposed. The continuous rise in Land Drainage Consent applications suggests increased landowner awareness of this requirement prior to carrying out works on ordinary watercourses. During day to day activities landowners with riparian responsibilities for maintaining a watercourse are contacted frequently to carry out their duties and generally will do so accordingly, but DCC is well versed in using the legislation when required to achieve the necessary action.

As we enter the final year of Defra's current 6-year programme we should reflect on the excellent achievements that have been delivered in protecting 478 properties to date and a further 454 properties set to benefit through ongoing projects due for completion by the end of the 2020/21 financial year. This has been achieved by securing over £4.7 millions, comprised of £2.3 million of DCC budgetary allocation, plus external funding through Defra's Grant in Aid, the Local Levy and partnership contributions. A further £1.4 millions of external funding and, at least, £499,000 of DCC capital investment will be used to deliver this coming year's Annual Action Plan.

### 13. Conclusion and Reason for Recommendation

The risk of flooding to many Devon communities remains high and, with the authority having declared a climate emergency, it is appropriate that investment in flood risk management continues to be a priority. Successful delivery of essential flood improvements in some of the larger high risk-communities has been achieved over recent years and this new Action Plan for 2020-21 focusses on the completion of the pre-existing scheme programme, particularly those projects which benefit from ongoing commitments through Defra Grant in Aid. The incorporation of Natural Flood Management measures in all relevant schemes will help to reduce the reliance on and potential impacts of conventional engineering works and contribute to environmental enhancement. Making Devon's communities more resilient to flooding will align the focus of the Environment Agency's new National Strategy, which is soon to be published.

Dave Black  
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	<a href="https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes">https://www.gov.uk/government/publications/programme-of-flood-and-coastal-erosion-risk-management-schemes</a>
2. Devon Local Flood Risk Management Strategy	June 2014	<a href="https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/">https://new.devon.gov.uk/floodriskmanagement/local-flood-risk-management-strategy/</a>

## Devon County Council Action Plan for 2020/21 to Support the Local Flood Risk Management Strategy

Projects/Works/Schemes	Lead Authority	Study, Design or Works	2020/21 DCC FRM Contribution £ Revenue	2020/21 DCC FPW Contribution £ Capital	Other Funding £	Details of Proposal
<b>Devon</b>						
Flood Risk Management Team	DCC	-	400,000			Resources required to deliver the Flood Risk Management functions as the Lead Local Flood Authority and Statutory Consultee for SuDS.
Local Flood Improvements and contingency	DCC/Others	W	200,000			Delivery of local flood improvement works (subject to resources and in accordance with the DCC priority list and opportunities with other Risk Management Authorities/Local Communities) and an allocation for contingency/risk.
Flood Investigations/Studies	DCC/Others	S	60,000			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	195,000	Allocation of funds for flood resilience measures through the Property Level Resilience Grant Scheme. Supported with additional £50k Flood Defence Grant in Aid and £20k Local Levy, subject to approval. Including delivery of delayed South Pool and Cullompton PFR schemes.

Community Resilience and support	DCC	S/W	25,000			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 Emergency Planning.
Natural Flood Management/Working with Natural Processes	DCC/Others	S/W	60,000			To develop best practice and progress opportunities for delivering natural flood risk management techniques in partnership with other RMAs and key stakeholders, including Northern Devon Nature Improvement Area (NIA) Culm Grassland Project and, East Devon AONB Connecting the Culm projects.
Maintenance of Flood Improvements	DCC	W	20,000			Maintenance of installed flood improvements, monitoring and gauging equipment.
<b>East Devon</b>						
Sidmouth Surface Water Improvements - Design	DCC	W	50,000	50,000	611,500	Delivery of flood attenuation works at the Knowle and consideration of surface water drainage improvements in the town centre.
Collaton Raleigh	DCC	S	30,000			Catchment study and consideration of options including the proposal of upstream natural flood management.
<b>Exeter</b>						
Exeter Surface Water Improvements - Design	DCC	D	30,000	40,000	150,000	Delivery of phase 2 flood attenuation works in the playing field adjacent to Georges Close and consideration of next phase from the Surface Water Management Plan.
<b>Mid Devon</b>						
Cullompton	DCC	W	25,000			Completion of PFR scheme.
<b>North Devon</b>						
Ilfracombe	DCC	S	20,000			Review of Surface Water Management Plan.



<b>South Hams</b>						
Ivybridge Flood Improvements	DCC	D/W		82,000	135,000	Completion of construction phase of flood improvement works.
Modbury	DCC	W	100,000	42,000		Scheme completion.
Chillington	DCC	W		45,000	85,000	Delivery of construction phase of flood improvements.
Kingsbridge Study	SWW	S	10,000			Contribution towards ongoing study and hydraulic modelling, in partnership with other RMAs.
Ugborough	DCC	D/W		20,000		Scheme completion and delivery of Natural Flood Management measures.
Frogmore	PC	W		20,000		Final contribution towards Parish Council led flood improvements.
<b>Teignbridge</b>						
Stokeinteignhead	DCC	D/W		150,000	255,000	Delivery of Property Flood Resilience measures and completion of drainage improvements.
Teignmouth	DCC	S	20,000			Review of Surface Water Management Plan.
<b>Total Budget Allocation</b>			<b>1,050,000</b>	<b>499,000</b>	<b>1,431,500</b>	
<p><b>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 28% over-budget spend to allow for delays, efficiencies, reprioritising and contingency. This will be monitored throughout the year to ensure the available budget is not exceeded and will defer projects as required.</b></p>						
<b>Incoming Budgets</b>						
PT&E Flood Revenue Budget			817,000			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.
PT&E Flood Capital Budget				499,000		Place Revenue budget for Flood Defence Works.
FDGiA/Local Levy					1,431,500	Defra Grant in Aid and Local Levy administered by the SWRFCC.
<b>Total Budget</b>			<b>818,500</b>	<b>499,000</b>	<b>1,431,500</b>	<b>Total</b>