

**Environment  
Scrutiny and Performance Panel**

**Agenda Item  
No.**

**8 March 2011**

**Flood Risk Management**

**Ward(s)** All

**Portfolios:** Councillor Tom Ansell - Transportation

**Executive Summary:**

This report appraises the Panel of the new duties and responsibilities placed on this Council in accordance with the Flood Risk Regulations 2009 and The Floods and Water Management Act 2010. This report also explains progress to date and next steps to meet the statutory timescale.

**Reason for scrutiny:**

To note the specific duties imposed on this Council and its new role as Lead Local Flood Authority. To receive a presentation of the Preliminary Flood Risk Assessment (PRFA) for the borough, review the findings and offer input and comments to help formulate the formal submission to the Environment Agency by the due date of 22 June 2011.

**Recommendations:**

**That the Panel:**

1. Note the specific duties imposed on this Council by the Flood Risk Regulations and The Floods and Water Management Act 2010.
2. Receive an overview presentation of the PRFA, consider the content and input to its preparation.

**Background papers:**

n/a

**Resource and legal considerations:**

The details and actions described are all in accordance with the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010.

DEFRA has identified funding for the next stages of this process and is committed for a 3 year period. For the year 2011/2012 DEFRA identified a grant of £122,000 and this has been distributed within the Formula Grant. An assessment has been made on the

required sum to meet the obligations as far as can be ascertained at the moment as the role is new and developing.

The Council has currently allocated a budgetary provision of £100,000 within the 2011/12 budget. DEFRA has indicated that funding for future years will be ongoing.

Engineering and Transportation Service within Neighbourhoods is taking the lead working with the Resilience Team, and Planning colleagues within Regeneration. Building on the award winning GIS mapping that is currently in place for asset management and our modelling experience in terms of air quality and contaminated land a comprehensive database will be available for the authority, partners and the public, in due course.

### **Citizen impact:**

As detailed above this is a statutory duty with the specific objective of identifying areas with potential flood risk identifying mitigation measures and ensuring proper management for the safety and well being of the community.

### **Environmental impact:**

Walsall Metropolitan Borough Council is approximately 40 sq miles in size and has a population of 253,499. Within the Council's boundaries there are two key watercourses, the Ford Brook and the River Tame.

### **Performance management:**

The legislation establishes this Council as the Lead Local Flood Authority with specific duties and obligations together with identified funding which must be considered within the overall budget setting process. This work by its very nature manages risk in terms of health well being and financial impacts for the benefit of all residents, businesses and the public as a whole.

EA has established network workshops to assist in the development of these very specific risk assessments for consistency and effective delivery. Walsall is currently at the forefront in this process.

There is a potential to be able to raise the profile of the Council by active management and effective coordination. This is a new function and so during the development and implementation the EA will set a timescale with specific actions to be completed.

### **Equality Implications:**

This is a borough wide risk assessment and early indications suggest that the potential areas of flood risk are largely in the western part of the borough which is less affluent and therefore potential less able to accommodate consequences of flood events.

## **Consultation:**

At this stage the key organisations that have been consulted include: Environment Agency, British Waterways, Severn Trent Water Authority, and Highways Authority.

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## **1. Report**

### **Background**

Following the flood in Tewkesbury 2007 and Cockermouth 2009 the Government has prepared legislation to minimise the risk of flooding and ensure that there is coordination between all parties who have an influence. The Flood Risk Regulations 2009 transposed the EU Flood Directive into UK Law with the aim of establishing a framework for assessing and managing flood risk.

In response to Sir Michael Pitt's review DEFRA commissioned and funded work to develop a National Surface Water Flood Risk assessment to identify those areas of highest risk of surface water flooding. This assessment included rural areas and, for the first time, urban areas. By comparing areas where there is potential for flooding with those locations where there are sensitive receptors it has established 'Indicative Flood Risk Areas'. A significant part of Walsall has been included within the West Midlands Indicative Flood Risk Area.

Local Authorities are required to prepare Preliminary Flood Risk Assessments (PFRA) by June 2011 to include maps and plans considering relevant sources of possible flooding and identifying all areas of potential 'significant' risk. Please note that this does not include risk of flooding from main rivers as this remains the responsibility of the Environment Agency.

The more recent Flood and Water Management Act 2010 has taken forward some of the strategy proposals and created a new role for the Lead Local Flood Authorities (LLFA) to coordinate flood risk management these being County Councils or Unitary Authorities. In addition to the PFRA LLFAs must prepare a Flood Risk Management Strategy.

The Act also requires the development and management of Sustainable Drainage Systems (SuDS) with the formation of a SuDS Approving Body (SAB).

The Flood Risk Regulations 2009 established four stages of a flood risk management cycle, scheduled for completion in June 2015. The PFRA is the first stage. The aim of the regulations is to reduce both the likelihood and the consequence of flooding.

## **Preliminary Flood Risk Assessment**

A PFRA is an assessment of the local flood risk across the Borough of Walsall. To complete this report the following flood risks must be considered: main rivers; surface water; ordinary watercourses; groundwater; canals; lakes; and reservoirs.

As this is such a new matter DEFRA and the Environment Agency have established a series of workshops to invite Local Authorities to participate, develop and exchange learning. The objective is to build capacity to meet these new obligations and has also established e-learning packages and academic training courses to support regional networks. In order to meet these new demands it will be necessary to establish the role of Flood Risk Manager for which details are being prepared. Further funding will be required for specialist software, data collection and production of necessary registers, assessments of proposals, and publication of guidance.

DEFRA determined and distributed grant to local authorities based on risk to assist in carrying out the research of historic data and assemble the data into the first draft PFRA. This Council received £20,000 in 2010/11 for this purpose and is close to completing its first draft.

The EA expects that each authority as a minimum will have taken the PFRA through its Environment Scrutiny Panel.

### **Proposed Timetable:**

1. Environment Scrutiny Panel – 8 March 2011 - presentation and consideration of PFRA
2. Strategic Coordination Meeting with partners – March 2011 – Environment Agency, STWA, British Waterways, etc
3. Cabinet – 13 April – Approval of PFRA
4. Submission by LLFA of PFRA to EA – 22 June 2011
5. 2011/12 – Development of Flood Management Action Plans
6. 2012/13 – Development of SUDS Approval Body

At recent workshops it is clear that most if not all councils are confused about many elements of the PFRA, including methodology. Walsall has made good progress and is one of the few councils that have put pen to paper. EA met Walsall on 24 February to look at our draft report and data. It is proposed to establish a system of peer review and the EA may use Walsall as an example to help other councils. Further information is expected from EA/DEFRA to help Councils complete their PFRA.

Included as **Appendix A** is a plan which shows the EA's Indicative Flood Risk Area. One of the primary aims of the PFRA is to check the accuracy of the indicative flood risk areas proposed to ensure that they are accurate and appropriate and to determine if there are further areas that need to be included.

Indicative Flood Risk Area as published by the Environment Agency.

The West Midlands Flood Risk Area covers the following area across Walsall.

