

**Environment
Scrutiny and Performance Panel**

**Agenda
Item No.**

12 January 2012

8

Update on Flood Risk Management

Ward(s) All

Portfolios: Councillor Tom Ansell - Transportation

Executive Summary:

This report appraises the Panel of the latest position in relation to the council's duties and responsibilities under the Flood Risk Regulations 2009 and the Floods and Water Management Act 2010.

Reason for scrutiny:

To note the specific duties imposed by the legislation, the progress made by the authority to address these duties and offer any comments or observations on our proposals.

Recommendations:

That:

1. Note the requirements of the Flood Risk Regulations 2009 and the Floods and Water Management Act 2010 which establish Walsall Council as a Lead Local Flood Authority (LLFA) and establish specific duties as a result.
2. Note that the Preliminary Flood Risk Assessment (PFRA), submitted to the Environment Agency (EA) in June 2011 has now formally been approved.
3. Consider the proposals to address these requirements and input into the delivery of this function.

Background papers:

Walsall's draft Preliminary Flood Risk Assessment
Report to Environment Scrutiny Panel 8 March 2011
Cabinet Report 13 April 2011

Resource and legal considerations:

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

used to produce the draft PFRA.

DEFRA has identified funding for the next stages of this process which it has committed for a 3 year period. For the year 2011/2012 DEFRA identified £122,000 for Walsall 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.

The Flood and Water Management Act 2010 has taken forward some of the strategy proposals and created a new role for the LLFAs to coordinate flood risk management and develop and manage local flood risk strategy.

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 with the overall aim being to reduce both the likelihood and the consequence of flooding.

Citizen impact:

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 together with numerous ordinary watercourses. The PFRA also considers potential impact on designated environmental and heritage sites.

In delivering this function the council must manage and control the risk of flooding.

Performance management:

EA has established network workshops and fora to assist in the development and delivery of these very specific duties. Walsall is currently at the forefront in this process and is engaged with DEFRA and the EA's capacity building programme.

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: An impact assessment has been carried out.

This is a borough wide risk assessment and early indications suggest that the potential areas of flood risk are more dominant in the western part of the borough

which is less affluent. Residents there may potentially be less able to accommodate the consequences of flood events.


Consultation: As stated above a report was taken to Environment Scrutiny and Performance Panel on 8 March 2011 and Cabinet on 13 April 2011.

At this stage the key organisations that have been consulted include: Environment Agency, British Waterways, Severn Trent Water Authority, and the Highways Authority. The PFRA report itself is a high level assessment of the local risk from flooding. It does not include any strategic, policy or practical recommendations to address those risks and as such there is no statutory requirement to consult with the general public. Public consultation will however play an important role when developing our Flood Risk Strategy which is the next key stage of the risk management process.

A copy of the approved PFRA is available on our website at http://cms.walsall.gov.uk/walsall_pfra_300311_v1.0.pdf. Further work is underway to develop the website in order to assist the engagement processes necessary in developing our flood management strategy.

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1. Report

Following on from the report to scrutiny panel on the 8 March 2011 and Cabinet approval in April, the Preliminary Flood Risk Assessment (PFRA) was submitted to the Environment Agency (EA) in accordance with the prescribed timetable. As part of DEFRA's quality assurance procedure, the PFRA has now been approved by the EA and the Regional Flood and Coastal Committee. The final PFRA has been published on the Environment Agency's website and on our own at http://cms.walsall.gov.uk/walsall_pfra_300311_v1.0.pdf.

The high level strategic board met in March 2011 and a further meeting will be arranged in the near future. These meetings will then occur every six months to steer the authority's flood risk strategy and ensure that key partners are engaged and contribute to the strategy.

A briefing paper is being taken to the West Midlands Resilience Forum to ensure that any mutual support necessary is forthcoming.

Using the funding allocated Engineering and Transportation have created a Flood Risk Managers post which has been advertised in the redeployment pool. Despite a short trial period the redeployment process has not been successful and the post will now be advertised externally. Successful appointment to this post is key to delivering the new statutory duties imposed on the authority.

Following this the Council will need to implement the requirements of the legislation which include:

- Production of flood risk and flood hazard maps
- Development of local flood risk management plans
- Development and implementation of a local flood risk management strategy
- Development and management of Sustainable Drainage Systems and establishment of an approval body
- To maintain a high level regional partnership with key stakeholders.
- Investigate local flooding incidents, publishing results and following actions where identified.
- Identify and designate key flood control structures and features. The council will then need to manage and regulate these features even when not in their ownership.
- Report progress to DEFRA