

Flood Risk Management Annual Report

Report of the Flood Risk Manager, December 2015

1 Introduction

The Flood and Water Management Act 2010 (the Act) passed into law in June 2010 conveying new Duties to Land Drainage Authorities making Birmingham City Council a Lead Local Flood Authority. This report highlights progress in addressing these new statutory responsibilities and provides an update on other flood risk management (FRM) related issues.

2 Implementation of Flood and Water Management Act 2010

Since the Bill was enacted there has been a series of commencement and regulation orders. With the exception of the powers to change the categorisation of large raised reservoirs all of the substantive elements of the Act have now been commenced. Most significantly this year the Minister has commenced a new role for Lead Local Flood Authorities (LLFAs) in regard to sustainable drainage following Ministerial Guidance on 18 December 2014. With very short notice the new measures took effect in April 2015.

Following extensive and numerous consultations the Minister has determined (written statement HCWS161) that the commencement of the originally proposed Sustainable Drainage Approving Bodies is not an appropriate way forward. Under the new provisions, in considering planning applications, local planning authorities should consult the relevant LLFA on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of the ongoing planning conditions or planning obligations that there are clear arrangements in place for the ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

Revised planning guidance has been produced and LLFAs are now statutory consultees for the drainage of developments falling within the new guidance.

The policy currently applies to developments of 10 homes or more and to major commercial development (this is being kept under review by Government).

3 Significant flood events in 2015

There have been no significant flood events in Birmingham in 2015. A significant flood being one that requires investigation to understand what the causes of the flood are and which flood risk management authorities have functions and powers in relation to the flooding mechanism. There have been no statutory investigations undertaken and, therefore, none published on the BCC web pages.

The UK however continues to be affected by more extreme weather events and as recently as December 2015 exceptional rainfall once again affected Cumbria in some cases causing flooding that overtopped flood defence that were constructed following previous floodings in the County. This highlights the fact that flood defences are constructed to an appropriate standard however this can be beaten by exceptional conditions.

A protocol for deciding upon whether to publish a Section 19 report has been published in the Local Flood Risk Management Strategy Consultation document (this can be found on BeHeard) launched at Floodfest in November.

Following a decision of the Strategic Flood Risk Management Board flood events are now tracked and a spreadsheet of the lead authority and the status of each flooding location is maintained, updated and presented to the Strategic Board. A copy of the most recent tracker is attached as Appendix 1. Good progress is being made against the tracker actions with no issues 'red' (mechanism or organisation not identified or no plan in place) on the status chart albeit the programme of proposed solutions range from works that were completed in early 2015 or currently on site to proposals that are in a year 6+ programme for national and regional grant funding.

4 Partnership Activity

4.1 Floodfest

The Birmingham Floodfest was held on the 9 November in the banqueting Suite, Birmingham Council House. The event was supported by: -

- Birmingham City Council Flood Risk Management Team (BCC)
- Amey - Birmingham Highways
- The Environment Agency (EA)
- Severn Trent Water Ltd, and (STW)
- The Birmingham and Black Country Wildlife Trust (WT)

Members of the public in flood risk areas, Flood Action Groups, Developers and their agents, elected members etc. were invited to attend to roll out a better understanding of flood risk and the actions that can be taken to mitigate it.

Delegates were able to ask questions and learn about the following displays: -

- The Birmingham Water Story (BCC stand)
- Local Flood Risk Management Strategy (BCC stand)
- Surface Water Management Plan (BCC stand)
- Sustainable Drainage (BCC stand)
- Maintenance (BCC and Amey stand)
- Community and flood resilience (BCC stand)
- River Tame Strategy (EA)
- Flood Risk Resilience (EA)
- Maintenance (EA)
- Sewer Management and Customer Responsibilities (ST)
- Sewer Flooding Alleviation Scheme and Partnership working (ST)

- Birmingham and Black Country Wildlife Trust
- River Rea Catchment Partnership (multi agency)

Feedback on the day was very positive with many attendees commenting that they were able to ask questions and had found out everything that they wanted to know and had picked up information that they could pass on. The partners attending also felt that the event was a great success with 3 times the number of attendees visiting than expected and many staying for an hour or more. It met all agencies aspirations to inform and consult.

The principal presentation of the day was a keynote address from Councillor Tahir Ali (whose portfolio includes Flood Risk Management) formally launching the external consultation on the Local Flood Risk Management Strategy for Birmingham.

4.2 Flood Risk Management Strategic Board

The governance structure for flood risk management for Birmingham is established as 'business as usual'. Following the work to develop the new role of Statutory Consultees for the drainage element of major developments and the partnership event, Floodfest, the next meetings of the Strategic Flood risk Management Board will be in mid February 2016 followed by mid July 2016. The revised schedule is to take account of the political calendar of the Council.

The Strategic Board acts as the focus and political driver for partnership activity including funding and programming of flood risk management activity.

4.3 Birmingham Water Group (BWG)

Meetings of the BWG will be in early February and early July 2016 to take account of the revised Strategic Board timetable. The BWG is the officer lead for partnership working ensuring that data is shared and partnership working properly resourced.

4.4 Project groups

4.4.1 Surface Water Management Plan for Birmingham

The Surface Water Management Plan for Birmingham (SWMP) was agreed by Cabinet in July 2015 and formally launched at Floodfest where there was a display specifically focused on the plan. The SWMP together with other documents informed the Local Flood Risk Management Strategy for Birmingham (LFRM) the consultation for which was also launched at Floodfest (see above). This task and finish group has now completed its work and these documents form the evidence base for grant applications for FRM projects.

Schemes identified by BCC and programmed to date include: -

- Community protection scheme in Kings Norton - complete
- Property level protection scheme, Bartley Green - 2015/16
- Community protection scheme in Frankley – 2017/18
- Property level protection scheme in Handsworth – 2020+

- Community protection scheme in Weoley Castle – 2015/17
- Community protection scheme in West Heath – 2016/17
- Property level protection scheme in Quinton – 2015/16
- Property level protection scheme in Springfield – 2016/17
- Community protection scheme in Erdington – 2016/17
- Community protection scheme in Sparkhill – 2015/17

Community protection schemes are those where a number of properties are to be defended by a new flood defence asset and property level protections is where individual properties are adapted to make them more flood resilient.

In addition the environment Agency have a number of schemes identified within the Birmingham administrative boundary as follows: -

- River Rea, Calthorpe – 2020/21
- River Rea, Digbeth – 2021+
- River Rea, Kings Norton – 2020/21 onward
- River Rea, Northfield – 2020/21 onward
- River Tame, Perry Barr and Witton – under construction
- River Rea, Selly Park North – 2015 onward
- River Rea, Selly Park South – 2015 onward
- The Bourn – 2015 onward

All schemes and dates are liable to change as they are determined as parts of a national funding settlement. Schemes could be advanced in the programme or delayed to later years dependent upon the prioritisation of the national programme. It can be seen however that FRM partners are actively promoting flood alleviation schemes of varying approaches dependent upon the complexity of individual flood risk areas.

4.4.2 River Cole, Sparkhill

As above funding is available in 2015/16 and 16/17 to undertake work to defend 70+ properties from flooding from the River Cole. A suitable scheme is proving difficult to identify and feasibility work and partnership meetings continue in an effort to find a suitable solution for this community.

4.4.3 River Rea Partnership (EA Lead)

The EA's work has identified sites in the wider Rea catchment with similar funding problems to the Cole (4.4.2 above), that is to say, difficulty in developing a sufficient cost benefit ratio for suitable schemes resulting in significant funding shortages. They have however identified a number of schemes that could be both cost beneficial and achievable with support.

The BCC Flood Risk Management Team continues to work with the EA through an officer lead partnership approach to try to advance potential schemes and we have had joint meetings with some significant land owners and employers such as BVT, Calthorpe and Cadbury (Mondelez) which could potentially help advance proposed

works by working with their support as members of the partnership. We also continue to work with colleagues in other Council departments on land ownership and use issues, benefit to properties of flood defences and potential cost savings arising from this and with Planners to ensure that opportunities to work with developers are taken early in development proposals when the overall strategy for a development is being fixed.

4.4.4 Planning liaison

The most significant issue in relation to Planning Liaison is our new role as statutory Consultees for the drainage proposals of new major developments

The development of the new LLFA role as Statutory Consultees has required very close working with Planning colleagues in order to meet the tight roll out timetable. FRM team members are aligned to the planning areas to provide for continuity of advice and capacity building workshops have been included in the development of the new role to bring all colleagues 'up to speed'. The FRM team have appropriate access to planning systems in order to undertake their new role.

A significant aspect of rolling out this new duty has been the production of 'Sustainable Drainage: Guide to Design, Adoption and Maintenance'. The document is designed to ensure developers include adequate information on drainage proposals in planning applications and to thereby minimise the amount of work required in vetting proposals. In addition it recommends pre application advice in appropriate cases which will for support better applications and minimise the team's workload in performing its role as Statutory Consultee.

BCC Drainage and Flood Risk Management team continue to work closely with Planning colleagues on strategic documents to the benefit of both development and flood risk management. This is supported by the EA particularly in terms of the Rea Partnership where the Planning department have a prospectus of flood risk management opportunities in the Rea catchment in an effort to identify opportunities through development at an early stage.

BCC have also worked closely with the EA to ensure that our mutual flood risk management objectives are considered in the CIL setting process as this source of funding may go a long way to addressing the problem of funding sources not necessarily being aligned with funding opportunities through development.

4.4.5 River Tame Strategy (EA Lead)

The River Tame is one of Birmingham's oldest Main Rivers and as such falls under the jurisdiction of the Environment Agency who lead on the River Tame Flood Risk Management Strategy (Tame Strategy).

The EA scheme for Perry Barr and Witton is now under construction.

The Council continues to work closely with the EA to support these works.

The Bromford reach of the Tame is the subject of ongoing discussion to seek to align budgets for flood risk management and housing development on the Bromford Estate. The impact of HS2 is now very small since the proposed rail lines were put into tunnel for this area however discussions continue with the EA and HS2 to ensure that opportunities are not missed.

4.4.6 Working with other BCC internal partners

Highways, Drainage routinely work with Leisure Services and Districts providing consultancy services for environmental improvements and general drainage works as well as the reservoir and park pool safety works referred to in 7.6. Several schemes have recently been completed on Reservoirs to satisfy Statutory Duties however we have also commissioned a number of environmental improvements for client departments.

5 Statutory activities

Flood and Water Management Act 2010

In 2014 we secured a member of staff to develop our asset database and to rationalise the information contained in it to ensure accuracy and this work is well advanced. Assets are in the process of being prioritised and rated for condition and identification of future works. This will assist in the tighter prioritisation of critical assets for funding in a declining financial situation. The data has arisen from a number of sources ranging from construction drawings and surveys to ‘downloading’ individual officers knowledge.

Under the New Statutory Consultee role for the drainage aspects of major developments, commenced in April 2015, the number of major planning applications and related consultations transacted to date (22 December) is as follows: -

Full, outline and reserved	110
Discharge of conditions	<u>79</u>
Total	189

Around 30 meetings have been held with internal partners and developers

The maximum number of emails exchanged on one application is as many as 38

Total number of emails on planning issues in excess of 500

The Statutory Consultee and new duties funding received from government has fully funded this activity including consultant support in the first year however this funding is currently programmed to reduce significantly in 2016/17 and will not fully fund the service. Discussions are being undertaken at a national level on the funding of this new duty challenging the new burdens assessment assumptions. At a local level a business case is being developed to properly resource this duty for the future. In order to benchmark in this respect initial discussion with two neighbouring authorities have identified that they have recruited 2 or 3 senior engineers and an associated support

officer to fulfil this duty and integrated with the planning administration system in a manner similar to BCC.

6 Funding issues

6.1 Flood and Water Management Act 2010 Duties

Birmingham City Council remains a Land Drainage Authority with responsibility for its own flood defence assets which are the subject of existing revenue funding streams for rivers and brooks maintenance however funding continues to reduce as a result of service reviews. The main effects of this will be to make prioritisation of spend more focused on high risk assets and tools to facilitate this have been developed. The need to only carry out statutory works will mean the removal of the opportunity to use permissive powers on privately owned water features or land that is in unknown private ownership. There will be more reliance on use of noticing powers and it will be necessary to routinely determine land ownership so that land owners can be pursued to carry out recommended maintenance work. Some funding will still have to be set aside for emergency works to the benefit of the wider community when a more protracted communication approach will not deliver improvements with sufficient urgency.

The Flood and Water Management Act 2010 (The Act) however conveys significant new duties and powers to Birmingham City Council as a Lead Local Flood Authority. These are new statutory duties and powers. These new roles have, to date, been fully funded by Government however the funding of future new duties in relation to sustainable drainage and increased responsibilities under the Reservoirs Act remain less clear albeit the Government has published the process by which it expects sustainable drainage to be regulated and maintained. It is unlikely that the Minister will use his powers in relation to reservoir risk in the foreseeable future.

6.2 Flood risk management activities

Appendix 1 details progress on various flooding sites together with the lead authority for each site. It can be seen that funding of these activities is from a variety of sources, both BCC and professional partner.

6.3 Funding profiles

The new funding for outcomes process has resulted in a range of funding sources being required to promote flood risk management schemes. For some schemes this includes an element of FDGiA together with an element of Local Levy but for many schemes this still leaves a shortfall and a target of 15% third party contributions has been set even when a cost beneficial scheme is being promoted. This approach puts significant pressure on limited resources to foster agreements and collaborations to facilitate schemes. In order for these schemes to progress local contributions or contributions from beneficiaries of the schemes need to be sought. Currently local contributions may be Section 106 monies and in the future Community Infrastructure Levy may play a part.

Aligning funding sources and facilitating the promotion of projects as well as seeking new funding opportunities continues to be a major priority for the Strategic Flood Risk Management Board going forward.

7 Future issues

7.1 Local Flood Risk Management Strategy

Internal and partner consultations are now complete and the draft strategy was formally launched for public consultation on the 9 November. See above. Consultation ends in February 2016

7.2 Duty to maintain a Register and Designation of Features

BCC have developed a register of flood risk management assets. Following a pilot project carried out by the Environment Agency BCC flood risk management will not currently designate features as provided for in the Flood and Water Management Act.

BCC are in receipt of Government funding for this activity

7.3 Duty to investigate

There have been no statutory investigations of flooding mechanisms in 2015 largely due to proactive maintenance regimes mitigating the risk of flooding from severe weather and from our close partnership ties with professional partners.

7.4 Sustainable Drainage Approval Board

See 5 above

Further information on funding is expected from Government.

7.5 Ordinary Watercourse consenting powers

We have received 4 applications under these regulations since commencement and other scoping enquiries not requiring formal consent. Many pre applications have been for works of a temporary nature with detailed discussions with the proposer being carried out to ensure full consent is not required.

The necessary guidance and application forms for this process have been developed in conjunction with Legal Services and a database set up to record applications and decisions.

The EA will maintain an overview of applications for consent by BCC

BCC are in receipt of Government funding for this activity

7.6 Changes in Reservoir regulations

The Flood Risk Management team continue to arrange statutory inspections under the Reservoirs Act 1975 in order that the Council's large raised reservoirs are managed in accordance with the Act. Works arising from the inspections and routine supervision (S10 and S12 inspections) continue to be managed by the team.

The Minister has not commenced any powers in relation to size of reservoirs as provided for by the Flood and Water Management Act however the Environment Agency as the regulatory body are rolling out new processes and reporting procedures for managing the risk from the existing large raised reservoirs.

7.7 Community Infrastructure Levy (CIL)

I have reported previously that CIL is likely to be an important funding source for flood risk management in the future and it is essential therefore that the Flood Risk Management Team is kept up to date with developments in the establishment and use of CIL

7.8 Water Framework Directive

The Water Framework Directive establishes a legal framework to protect and restore clean water across Europe and ensure its long-term, sustainable use. In the United Kingdom the directive has been interpreted into River Basin Management plans with the intention that all water bodies reach a standard described as "good ecological and chemical status" which is defined as low levels of chemical pollution as well as a healthy ecosystem.

There will be synergies between flood risk management objectives and water framework directive objectives and opportunities for economies in delivery. BCC have continued to benefit from joint funding arrangements for environmental enhancements to the City's water bodies working in partnership with the EA, Severn Trent Water and third sector agencies. These arrangements continue to the benefit of ecology, communities and flood risk management. In the future these synergies may extend to the joint funding of schemes which deliver both flood risk management benefits and river rehabilitation or environmental enhancement and this will be particularly important as schemes will not be fully funded through FDGiA and/or Local Levy.

7.9 European Floods Directive

Following the well received publication of BCCs Preliminary Flood Risk Assessment the second phase of publishing is now under preparation covering flood risk information and flood risk management plans. BCC have cooperated with the EA who coordinated a catchment wide publication giving economies by reducing duplication and providing a consistent approach across authorities. The EA already develop and publish much of the base information. The document is currently awaiting a delayed publication.