

**ANNUAL UPDATE ON THE FLOOD RISK MANAGEMENT STRATEGY:
OBJECTIVES AND ACTIONS**

To: Cabinet

Date: 15th April 2014

From: Executive Director: Economy, Transport and Environment

Electoral division(s): All

Forward Plan ref: N/a *Key decision:* No

Purpose: The Flood and Water Management Act 2010 requires the County Council as a Lead Local Flood Authority to produce a Local Flood Risk Management Strategy.

Cambridgeshire's Local Flood Risk Management Strategy was produced following a public consultation and adopted a year ago. This Strategy provides the framework for managing flood risk within Cambridgeshire.

The objectives and actions detailed in the Strategy must be reviewed annually in line with the requirements of the Flood and Water Management Act 2010.

Recommendation: Cabinet are recommended to:

- a) Support the work that is being undertaken, as detailed in the objectives and actions of the Strategy
- b) Support the Council's Highway Authority statement of responsibility
- c) Support the enforcement protocol.

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1. BACKGROUND

- 1.1 The Flood and Water Management Act 2010 requires Cambridgeshire County Council, as a Lead Local Flood Authority, to produce a Local Flood Risk Management Strategy (the Strategy) to provide the framework for managing local flood risk within the County.
- 1.2 The draft Strategy was published for public consultation in 2012 (17th September to 14th December 2012). The Council received comments from members of the Cambridgeshire Flood Risk Management Partnership, Local Authorities, Parish Councils, Water Companies, Internal Drainage Boards and members of the public.
- 1.3 The Strategy was adopted by Cabinet on 5th March 2013.
- 1.4 The Strategy has been in force for one year, and under the requirements of the Flood and Water Management Act 2010, the work that has been undertaken to meet the objectives and actions contained in the Strategy needs to be reviewed.

2. MAIN ISSUES

Objectives of the Local Flood Risk Management Strategy

Objective 1: Understanding Flood Risk

- 2.1 The Strategy explains some of the historical flooding issues within Cambridgeshire's unique landscape, highlighting the Fens and the importance of the drainage authorities.
- 2.2 Work to meet this objective is detailed in the action plan located in Section 8 of the Strategy. This report, however, wishes to highlight some of the key work that has been undertaken by officers in the Council's Flood and Water Team.

Surface Water Management Plans

- 2.3 This Council has undertaken a County wide Surface Water Management Plan (SWMP) to identify areas of flood risk in Cambridgeshire. The Countywide SWMP identified priority areas in the County which are at significant risk of flooding. Detailed SWMPs are being progressed, on a prioritised basis, for those areas identified. So far, six detailed plans have been produced for Kings Hedges and Cherry Hinton in Cambridge, Ely in East Cambridgeshire, St Neots in Huntingdonshire, Girton in South Cambridgeshire and March in Fenland. Further plans are being developed for Godmanchester in Huntingdonshire and Histon and Impington in South Cambridgeshire. Further areas have been prioritised via the Cambridgeshire Strategic Surface Water Management Plan and will be addressed on a flood risk basis.
http://www.cambridgeshire.gov.uk/NR/rdonlyres/CD628038-8C45-4A49-8AF6-0D196B089175/0/20110804_CambridgeshireStrategicReport.pdf
- 2.4 The Kings Hedges SWMP was submitted to the Environment Agency Project Appraisal Board in December 2013 for funding. The Board approved the plan awarding £566,000 grant funding for a flood risk management scheme. The remainder of the project will be funded via partnership funding. This is the first SWMP in the UK to have been approved.

Preliminary Flood Risk Assessment

- 2.5 Cambridgeshire Preliminary Flood Risk Assessment was completed in December 2011 to meet the requirements of the Flood Risk Regulations 2009. The document was deemed to be exemplary by the Environment Agency and the best example in the East of England. A subsequent requirement under the Flood Risk Regulations 2009 is for the Environment Agency to prepare Flood Risk Management Plans (FRMP) for all of England and Wales covering flooding from main river, the sea and reservoirs. In Cambridgeshire the Council has agreed that the Environment Agency will prepare a FRMP for Cambridgeshire's river basin area, and the Council will ensure that the actions detailed in the FRMP are reflected in the Local Flood Risk Management Strategy.

Objective 2: Managing the likelihood and impacts of flooding

- 2.6 This objective explores the benefits of partnership working, the roles of Risk Management Authorities within the partnership, and how all parties work together to help reduce flood risk in the County.

Flood Asset Inspections

- 2.7 The Council has undertaken numerous flood asset inspections, on a prioritised basis, during the last 12 months. The purpose of the inspections is to identify flood assets that could cause further significant flood risk to communities in Cambridgeshire. Typical issues that have been identified are shown below in 'Issues identified during asset inspections – images 1-3'.



Blocked outfall - Weston Colville



Blocked outfall - Emerson Close,
Linton



Submerged flapped outfall
– Brockley Road, Elsworth

Issues identified during asset inspections – images 1-3

- 2.8 When officers identify an asset that requires maintenance, they endeavour to identify the responsible body for maintaining the asset and communicate the need for maintenance. Where any of the assets in poor condition fall within the maintenance of the County Council, the Flood and Water Management team work with Highways team to ensure that these are maintained following inspections.

Cambridgeshire's Flood Asset Register

- 2.9 Officers have now established a basic flood asset register as required by the Flood and Water Management Act 2010. The flood asset register is published on the Council's website.

- 2.10 In order to fully meet the requirements of the Flood and Water Management Act 2010 officers are in the process of procuring a flood asset management system. The new asset register will be in place by the end of May 2014, and will enable the Council to share critical flooding information in a timely and efficient manner, and improve the way that all key partners work together to collectively respond to flooding issues within the county.

Flood Risk Enforcement

- 2.11 The Council has successfully established a Flood Risk Enforcement Policy and Procedure in 2013 to help strengthen the Council's enforcement work. This was adopted by Cabinet last year and is published on our website. <http://www.cambridgeshire.gov.uk/environment/floodandwater/flooding/landownerriparianresponsibility.htm>
- 2.12 The Council has dealt with over 40 enforcement cases in 2013/14. Most of these relate to either unconsented works on an ordinary watercourse, including infilling of ditches, or lack of maintenance of an ordinary watercourse.
- 2.13 A proactive approach has been applied in dealing with enforcement incidents. The goal is to communicate the issue to those in breach, so they understand how they have contravened the law, and work with them to put things right. This approach has been very successful and very cost effective. For example, a landowner undertook works without consent and filled in a ditch in a location in South Cambridgeshire. The Council's enforcement officer attended the site and following a series of meetings, discussions and negotiations, the landowner agreed to remove the obstruction and open up the ditch without the need for formal enforcement (images 4-5).



Image 4 - Filled ditch at North End Road before enforcement.



Image 5 - Opening of the ditch at North End Road in progress during enforcement.

- 2.14 The Council endeavours to avoid formal enforcement as this can prove to be expensive. For example, Essex County Council recently paid £11,000 to try to prosecute a similar offence at a Magistrate court which was unsuccessful. Cambridgeshire's approach is not only more cost effective, but also fosters better relationships between the Council and the public.

2.15 To enable the Council to use its resources in the most efficient way when undertaking enforcement action an enforcement protocol has been developed, which outlines when we can and cannot undertake enforcement action. The protocol is set out below.

2.16 *The County Council is unable to enforce the removal of obstructions to a watercourse (s.24 of the Land Drainage Act 1991) which occurred prior to April 2012, when the County Council became the relevant authority, unless there is significant risk of internal flooding of one or more properties. The Council is also unable to enforce the maintenance of a watercourse (s.25 of the Land Drainage Act 1991) unless the following criteria from our enforcement policy are met:*

Where the location of the contravention is in any of the following:

- *Flood zones 2 and 3 as identified on Environment Agency flood maps;*
- *Strategic Flood Risk Assessment maps issued by District Councils;*
- *Wet spots identified on our Surface Water Management Plans;*
- *Information provided in Water Cycle Studies;*
- *Flood prone areas from data held on our flood investigation database;*
- *Where there is historical evidence of internal flooding or significant flooding of gardens; and/or*
- *Where the impact of the contravention is proven to increase flood risk to other properties or could create a bad precedence.*

Flood Investigations

2.17 The Council has a duty to investigate incidents of flooding within the County as set out in the Council's flood investigation criteria. The main aims of the investigations are to identify which flood risk management authorities have responsibility for the flood issue and to ensure that all work together to resolve the issue.

2.18 In 2013, the Council investigated and resolved 26 issues. For example, the Council investigated an issue in Little Shelford where a small group of properties were at risk of flooding and had flooded in the past following water flowing off the road. Officers surveyed the location and identified the primary cause of the flood risk – a blockage in the highway system. Officers met with the highways team and developed a works programme to resolve the issue. During this process Council officers liaised with residents to keep them informed of the investigation outcomes and the timeframes for each step.



Inspections of manholes along Newton Road.

- 2.19 To assist in distinguishing when the Council's Highways Authority is responsible, or not responsible for investigating and remediating flood risk issues, a statement of responsibility has been developed. The statement states that '*The highway authority at Cambridgeshire County Council is responsible for culverts that exist under the adopted highway as they facilitate the maintenance and use of the highway. The highways authority at Cambridgeshire County Council is not responsible for ditches, watercourses or other features which convey water along the roadside unless they own the freehold of the land or have constructed them for highway purposes, these features will be the responsibility of the adjacent landowner who abuts the road*'.
- 2.20 These responsibilities are consistent with the guidance detailed in the Institution of Civil Engineers (2010). Land Drainage and Flood Defence Responsibilities. Please note whilst these rules apply to the majority of situations there will be exceptions.
- 2.21 The Flood and Water Team is working in partnership with the Highways Team on a pilot project to install flood warning telemetry systems in Earith, Little Paxton and Welney to enable motorists to have more accurate and up to date information on road closures owing to flooding. Once trialled it is anticipated that this scheme will be widened to include the B1040 at Whittlesey.

Objective 3: Helping Cambridgeshire's citizens to manage their own risk

- 2.22 This objective relates to the benefit of local community engagement on any matters related to flood risk management. Officers ensure that they work closely with key stakeholders on all aspects of flood risk management including meeting regularly with members of the Cambridgeshire Flood Risk Management Partnership, attending Parish Council meetings, working closely with elected members on issues in their area (such as Brampton, Girton and the Welney Washes road flooding signage project), along with providing help and advice to members of the public. Officers also support the elected members that sit on the Environment Agency's Regional Flood and Coastal Committees.

Objective 4: Ensuring appropriate development in Cambridgeshire

- 2.23 This objective seeks to ensure that growth in Cambridgeshire is encouraged where appropriate and discouraged where homes and properties are going to be put at risk of flooding.

Consenting on Ordinary Watercourses

- 2.24 Culverting or works affecting the flow of an ordinary watercourse requires the prior written consent of Cambridgeshire County Council under the terms of the Flood and Water Management Act 2010 and Land Drainage Act 1991. Officers have provided guidance documents for applicants, and the necessary forms, which allow the Council to process applications efficiently and quickly. The Council has also a helpful web page which provides guidance, and application forms for consenting along with a facility to make online payments. The Council also has a Culvert Policy in place to assist with decision making.
- 2.25 In 2013, officers determined 40 consent applications and undertook 30 pre-application discussions. Two applications were refused during this time and no appeals were submitted following the Council's decisions.

Sustainable Drainage Systems Approval (SAB)

- 2.26 The Council will have responsibility for the approval, adoption and maintenance of sustainable drainage systems in new developments. It is anticipated that the Council will take on this new role in October 2014, and prior to this the Council is awaiting key guidance from Government on aspects of the new duty. To prepare for the Council's new role, officers have drafted a SAB manual and established a partnership project board with key stakeholders including the Environment Agency and District Councils.

Objective 5: Improving flood prediction, warning and post flood recovery

- 2.27 This objective covers the roles of the emergency services during a flood event. The majority of actions related to this work are taken forward by the Environment Agency and the Council's Emergency Management Team. The Flood and Water team, however, works closely with key partners on aspects of this work including the development of a joint Peterborough and Cambridgeshire Multi Agency Flood Plan.

3. ALIGNMENT WITH PRIORITIES AND WAYS OF WORKING

3.1 Developing the local economy for the benefit of all

The delivery of actions detailed in the Strategy are key to the development of the local economy through the direction it provides to planning authorities, helping to encourage new development and where appropriate discouraging investments that will disrupt the lives of local communities and consequently the local economy.

3.2 Helping people live healthy and independent lives

Flooding can occur at any time and anywhere and is expected to increase due to changes in the climate and weather patterns. In meeting the objectives detailed in the Strategy, the Council is able to develop the necessary tools to plan and prepare for flooding. It encourages and facilitates flood schemes to help protect homes and communities in Cambridgeshire. The objectives also encourage engagement with other organisations that provide useful services within the County to ensure that issues are dealt with in an integrated manner.

3.3 Supporting and protecting vulnerable people

One of the actions to meet the objective 'Understanding flood risk in Cambridgeshire' is to develop detailed surface water management plans that highlight areas at greatest risk from flooding. This included identifying where the communities are most vulnerable, and applying for grant funding to implement a scheme to reduce the flood risk.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource and Performance Implications

The production of the Strategy and the adherence to its objectives and actions are statutory requirements of the Flood and Water Management Act 2010. The Council's local Strategy has been developed in partnership with the members of Cambridgeshire Local Flood Risk Management Partnership. The objectives and actions in the Strategy detail the requirements imposed by the legislation and track the progress the Council has made so far in meeting those duties.

4.2 Statutory, Risk and Legal Implications

We have a statutory duty under the Part 1, Section 2 (9) of the Flood and Water Management Act 2010 to produce the Strategy, and annually review progress against the actions and objectives detailed in it. The implication of failing to comply with any of these duties is that the County Council will be in breach of a legal requirement. This could severely damage the reputation of the County Council and jeopardise the Council's position as a leading authority in flood and water management.

4.3 Equality and Diversity Implications

The objectives and actions detailed in the strategy take account of the Community Impact Assessment prepared under the Equality Act 2010 contained in the Strategy.

4.4 Engagement and Consultation Implications

The authority has carried out public consultations which have shaped the final report, and the objectives and actions, contained in the Strategy.

4.5 Public Health Implications

There are no significant implications.

Source Documents	Location
Cambridgeshire's Local Strategy for Flood Risk Management – Section 8 Cambridgeshire's Objectives and Actions Cambridgeshire Strategic Surface Water Management Plan. http://www.cambridgeshire.gov.uk/NR/rdonlyres/CD628038-8C45-4A49-8AF6-0D196B089175/0/20110804_CambridgeshireStrategicReport.pdf	Members' Lounge Shire Hall Cambridge