

**Subject:** Floods and Water Action Plan  
Update

**Status:** For Publication

**Report to:** Cabinet

**Date:** 2<sup>nd</sup> September 2009

**Report of:** Environmental Health Manager

**Portfolio**

**Holder:** Environment

**Key Decision:** No

Forward Plan  General Exception  Special Urgency

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to confirm work being undertaken to support the mitigation of the effects of floods on Rossendale's businesses and communities and on adapting to any flooding events that do take place. This report is based on the Government's response to the Pitt Review of the summer 2007 floods.

**2. CORPORATE PRIORITIES**

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality services to our customers
- Delivering regeneration across the Borough
- Encouraging healthy and respectful communities
- Keeping our Borough clean, green and safe
- Promoting the Borough
- Providing value for money services

**3. RISK ASSESSMENT IMPLICATIONS**

3.1 This Authority has many duties in relation to floods and their effect on public health, business continuity, emergency planning and wellbeing of people within Rossendale. Responsibilities of Local Authorities are growing in the light of action taken following the 2007 floods. In Lancashire, the Environment Agency and the County Council has a lead responsibility for the management of local flood risk. Failure of Rossendale Borough Council to co-operate with the lead authority and share appropriate information could jeopardise effective flood prevention and risk management.

## 4. BACKGROUND AND OPTIONS

4.1 Flooding is a natural process with a range of causes, each resulting in different risks. Flooding from the sea and flooding from groundwater should not be a problem in Rossendale however the following are real risks:-

1. Flooding from rivers – in areas such as Rossendale with steep catchments, local intense rainfall can result in the rapid onset of deep and fast-flowing flooding with little warning i.e. “flash flooding”. This can last only a few hours, cause considerable damage and possibly threaten life. A few areas of Rossendale are at risk from *fluvial* flooding.

2. Flooding from land – intense rainfall, often of short duration, that is unable to soak into the land or enter drainage systems, can run quickly off land and result in local flooding. Silt and debris can also be washed off land and unmade roads and tracks and block surface water drainage systems e.g. road gullies. The Local Authority has powers to ensure land drainage facilities operate efficiently but this does not apply to surface water runoff. We have several steep sided valleys and many unmade roads and are therefore at risk from *pluvial* flooding events.

3. Flooding from sewers – rainwater drains into surface water sewers and also combined surface and foul sewers. Flooding can result when the sewer is overwhelmed by heavy rainfall, becomes blocked or is of inadequate capacity, design or maintenance. The Government intends to transfer the responsibility for maintenance of all underground sewers and lateral drains to the Water Company i.e. United Utilities at the end of March 2011. This will ultimately relieve Rossendale Borough Council of the responsibility for ensuring the proper maintenance of underground lateral drains and sewers and property owners from unexpected, and sometimes considerable, bills.

4. Flooding from reservoirs and other artificial sources – flooding can occur if the reservoir is overwhelmed or as a result of dam or bank failure. The Water Act 2003 amended the previous Reservoirs Act 1975 and introduced a requirement for reservoir undertakers to prepare reservoir flood plans. Defra is currently funding a project to produce a “Guide to Emergency Planning for UK Reservoirs”. No current plans are in place within this Authority for dealing with the failure of any dams. We have 10 reservoirs in Rossendale that, should they fail, would affect residential properties. We currently have no information about the extent of risk if any particular dam fails.

4.2 Rossendale Borough Council’s Environmental Strategy 2008-2018 included as one of its overall Aims “to encourage the sustainable management of the water environment”. The related objectives are to:-

- Encourage the sustainable use of water in the valley
- Protect and improve water quality in the rivers and watercourses
- Effectively manage flood risks in the valley
- Ensure the effective operation of foul and surface water drainage systems including the effective and efficient drainage of land

- Ensure the protection and improvement of public and private water supplies.
- 4.3 The objective relating to public and private water supplies, and how we will contribute towards taking steps to reduce water consumption, will be dealt with separately as these deal with water intended for human consumption. This report concentrates on the natural water environment.
- 4.4 The Government's water strategy for England was published in February 2008 and entitled "Future Water". The drought in South East England in 2004-6, and the floods of 2007 have brought into focus the pressures that we know climate change will bring. "Future Water", the Government's response, sets out how the Government wants the water sector to look like by 2030 and some of the steps needed to get there. It is a vision where rivers, canals, lakes and seas have improved for people and wildlife, with benefits for angling, boating and other recreational activities, and where we continue to provide excellent quality drinking water. The vision is of a sector that values and protects its water resources; that delivers water to customers through fair, affordable and cost-effective charges; where flood risk is addressed with markedly greater understanding and use of good surface water management; and where the water industry has cut its greenhouse gas emissions. The vision shows a sector that is resilient to climate change, with its likelihood of more frequent droughts as well as floods, and to population growth, with forward planning fully in tune with these adaptation challenges. In short, the Government's Vision is for sustainable delivery of secure water supplies and an improved and protected water environment.
- 4.5 The areas covered by "Future Water", and how these are addressed within Rossendale, include:-
- a) Water demand – to be considered within the forthcoming Rossendale Borough Council Drinking Water Strategy later in 2009.
  - b) Water supply - to be discussed in forthcoming Drinking Water Strategy.
  - c) Water quality in the natural environment – pollution prevention is largely the responsibility of the Environment Agency, although the Local Authority does have a role to play. These issues are to be considered separately during implementation of the Biodiversity Action Plan that was approved by Cabinet on 18<sup>th</sup> March 2009.
  - d) Surface water drainage – covered within this report
  - e) River and coastal flooding - covered within this report
  - f) Greenhouse gas emissions – covered by Rossendale Borough Council's Climate Change Action Plan approved by Cabinet on 17<sup>th</sup> June 2009.
  - g) Charging for water – covered by forthcoming Drinking Water Strategy.
- 4.6 The Government's Response to Sir Michael Pitt's Review of the summer 2007 Floods: Progress Report was published in June 2009 and is based on the six themes identified by Sir Michael Pitt. Commenting on the role of Local Authorities, Sir Michael said "Local Authorities should play a major role in the management of local flood risk, taking a lead in tackling local problems of flooding and co-ordinating all relevant agencies. Upper tier authorities should establish oversight and scrutiny committees to review work being undertaken to reduce flood risk and publish annual updates on the work undertaken". The

following tables show the Pitt Review recommendations, which are mostly targeted at the Government for action, and the associated actions that are currently being carried out by Rossendale Borough Council. Further work will be undertaken when relevant central policies or publications are forthcoming. Recommendations omitted include those where Government action has not yet taken place or where Rossendale is not specifically involved.

#### 4.7 Knowing when and where it will flood

<i>Pitt ref.</i>	<i>Pitt Recommendation</i>	<i>Summary of Progress within Rossendale</i>
1	Given the predicted increase in the range of future extremes of weather, the Government should give priority to both adaptation and mitigation in its programmes to help society cope with climate change	Rossendale Borough Council's Climate Change Action Plan 2009-2010 includes a range of initiatives to both mitigate and adapt to the effects of climate change. The recently published UK Climate Projection 2009 predicts that in the North West, summers are likely to be drier but mean winter rainfall will get larger over time with projected increases of +6% during the 2020s, +10% by the 2040s and +16% by the 2080s.
6	The Environment Agency and the Met Office should work together, through a joint centre, to improve their technical capability to forecast, model and warn against all sources of flooding	The Met Office issue severe weather warnings on agreed trigger levels. All warnings carry a valid from/to date and time. 2 Types of warning are received: <ul style="list-style-type: none"> <li>• Early Warning of Severe Weather. - when severe weather is expected in the next few days.</li> <li>• Flash Warning of Severe Weather - when severe weather is expected in the next few hours</li> </ul> All warnings received via Email.

#### 4.8 Reducing the risk of flooding and its impact

<i>Pitt ref.</i>	<i>Pitt Recommendation</i>	<i>Summary of Progress within Rossendale</i>
9	Householders should no longer be able to lay impermeable surfaces as of right on front gardens and the Government should consult on extending this to back gardens and business premises	From October 2008 planning permission is required to pave more than 5 square metres of front garden with impermeable surface and the surface water draining from it is directed into gullies, drains or the road.
12	All local authorities should extend eligibility for home improvement grants and loans to include flood resistance	A successful application in the first round of Flood Resilience Grants for £3,000 was made to, and approved by, the Environment Agency in June 2009. This will enable property-level measures to be undertaken to protect two

		properties from the highest risk of surface water flooding. Further applications will be made in future bid rounds.
13	Local authorities, in discharging their responsibilities under the Civil Contingencies Act 2004 to promote business continuity, should encourage the take-up of property flood resistance and resilience by businesses	Link on RBC website to Cabinet Office (UK Resilience) for business continuity advice for businesses. Promotion via newsletter to businesses Leaflet to be included within starter pack for new businesses.
14	Local authorities should lead on the management of local flood risk, with the support of the relevant organisations	Lancashire County Council is taking the lead as the nominated Lead Local Flood Authority and is responsible for drawing up the Surface Water Management Plan. Geoff Brown, Land Drainage Engineer within the Environmental Health Service, is involved as the Rossendale Borough Council's liaison officer. We are currently awaiting the start of work.
15	Local authorities should positively tackle local problems of flooding by working with all relevant parties, establishing ownership and legal responsibility	A Making Space for Water Group has been established within Rossendale, chaired by Geoff Brown. This was initiated by the Environment Agency and is set up to provide a forum locally to develop integrated partnership working in water management in order to achieve:- <ul style="list-style-type: none"> <li>• accurate assessments of the risk, nature and scale of flooding</li> <li>• a reduction in the risk of all types of flooding incidents</li> <li>• mitigation of the effects of flooding incidents within Rossendale.</li> </ul>
16	Local authorities should collate and map the main flood risk management and drainage assets (over and underground), including a record of their ownership and condition	All known watercourses, related culverts and screens have been plotted electronically. Known defective conditions are brought to the attention of relevant landowners for repair.
17	All relevant organisations should have a duty to share information and cooperate with local authorities and the Environment Agency to facilitate the management of flood risk	Rossendale Borough Council is co-operating fully with its partners including the Environment Agency, United Utilities, Lancashire County Council and neighbouring authorities.
18	Local Surface Water Management Plans, as set out under PPS25 and coordinated by local	Work to be undertaken by Lancashire County Council.

	authorities, should provide the basis for managing all local flood risk.	
19	Local authorities should assess and, if appropriate, enhance their technical capabilities to deliver a wide range of responsibilities in relation to local flood risk management.	The post of Land Drainage Engineer is established within the Environmental Health Service. Lancashire County Council will identify necessary capacity and competence to fulfill their responsibilities.
26	The Government should develop a single set of guidance for local authorities and the public on the use and usefulness of sandbags and other alternatives, rather than leaving the matter wholly to local discretion.	No policy currently exists for Rossendale Borough Council to provide/distribute sandbags.

#### 4.9 Being rescued and cared for during an emergency

Pitt ref.	Pitt Recommendation	Summary of Progress within Rossendale
38	Local authorities should establish mutual aid agreements in accordance with the guidance currently being prepared by the Local Government Association and the Cabinet Office.	<p>In July 2008 "Mutual Aid – A short guide for local authorities" was circulated for consultation. The paper was developed in the recognition that there will be instances in emergencies when the ability of a single local authority to respond will simply not be possible without additional help and support. The Guidance set out proposals to develop mutual aid support between local authorities by addressing key issues and providing a general framework of agreement. Lancashire Chief Executives considered the consultation paper and the concept of mutual aid was agreed in principle.</p> <p>The policy agreed by all Lancashire Chief Executives, once signed, would not take the form of a legally binding agreement but rather a statement of intent setting out some basic ground rules as to how arrangements would operate.</p>

#### 4.10 Better advice and help to protect families and homes

Pitt ref.	Pitt Recommendation	Summary of Progress within Rossendale
64	Local Resilience Forums should continue to develop plans for door-knocking, coordinated by local authorities, to enhance flood warnings before flooding and to provide information and assess welfare needs once flooding has receded.	LRF requested clarification in relation to this recommendation i.e. who should be door knocking, what information they are able to give, and that other authorities who will be at the scene of flooding are better informed of the current situation. To date this has not been fully clarified and is outstanding.
67	The Cabinet Office should provide advice to ensure that all Local Resilience Forums have effective and linked websites providing public information before, during and after an emergency.	LRF Website provides links to the following: <ul style="list-style-type: none"> <li>• All Emergency Services</li> <li>• All Other Agencies</li> <li>• All Lancashire Local Authorities</li> <li>• All Voluntary Agencies</li> </ul> These are all the agencies that would be involved during and after an emergency incident.
68	Council leaders and chief executives should play a prominent role in public reassurance and advice through the local media during a flooding emergency, as part of a coordinated effort overseen by Gold Commanders.	Media Plan incorporated in RBC Local Civil Emergency Plan + Lancashire County Council's Media Plan. Chief Executive/Leader identified as designated spokespersons and are fully aware of roles/responsibilities within the Gold Command structure.

#### 4.11 Recovery

Pitt ref.	Pitt Recommendation	Summary of Progress within Rossendale
74	The monitoring of the impact of flooding on the health and wellbeing of people, and actions to mitigate and manage the effects, should form a systematic part of the work of Recovery Coordinating Groups	The recovery phase commences when the response phase closes but, to be effective, it needs to be organised as soon as possible as part of the overall response strategy. A Recovery Working Group should be established by the Strategic Coordinating Group and will oversee the process. The local authority will normally lead the recovery process.
76	Local authorities should coordinate a systematic programme of community engagement in their area during the recovery phase.	Via Faith Plan, Community Engagement Officer, REAL (Rossendale Encouraging Enterprise Ltd. – database of all local community groups).

83	Local authorities should continue to make arrangements to bear the cost of recovery for all but the most exceptional emergencies, and should revisit their reserves and insurance arrangements in light of (2007) floods.	The Council has made an assessment of the various risks it faces and to this extent has set a minimum and maximum level of General Reserves, namely £800k and £1M. As at 31 <sup>st</sup> March 2009, General Reserves tolled £ 879k. In addition, the Council has ensured that where it has an insurable interest, that adequate insurance cover against flooding is in place.
92	Local Resilience Forums should evaluate and share lessons from both the response and recovery phases to inform their planning for future emergencies.	The LRF General Purposes Group Guidelines for De-Briefing Incidents ensures all information/lessons learnt etc. are cascaded to all agencies and issues highlighted are discussed and form part of the planning for future emergencies/exercises via the LRF.

4.12 The draft Flood and Water Management bill was published on 21<sup>st</sup> April 2009. This legislation will:-

- deliver improved security, service and sustainability for people and their communities
- it will be clear who is responsible for managing flood risk
- protect essential water supplies
- modernize the law for managing flood risk and reservoir safety
- encourage more sustainable forms of drainage
- enable water companies to control more non-essential uses of water during droughts
- make it easier to resolve misconnections to sewers.

4.13 National Indicator 189 – Flood and Coastal Risk Management was introduced in 2008. This focuses on local authority progress in delivering agreed actions in Catchment Flood Management Plans. They also set out a series of actions to address these risks. These were provided by the Environment Agency in February 2009. Rossendale was able to report 100% compliance with the expectations in 2008/9.

#### **COMMENTS FROM STATUTORY OFFICERS:**

### **5. SECTION 151 OFFICER**

5.1 Whilst there are no immediate financial implications arising from the report in that the report does not impose additional duties on landowners; the Council should consider its longer term position as a landowner itself. As a landowner, there may be possible future financial implications arising from the management of the Council's landholding and the wider drainage issues of its estate.

## **6. MONITORING OFFICER**

- 6.1 At present Rossendale Borough Council's involvement is non-statutory, though there is an obvious need to co-operate with the lead authorities in any event, and in advance of future legislation.

## **7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 7.1 No HR implications

## **8. CONCLUSION**

- 8.1 Staff throughout Rossendale Borough Council have already been working on a range of initiatives to mitigate and adapt to the effects of climate change, which includes a greater risk of flooding. Experience has shown that various parts of Rossendale have been subject to flooding already and these occurrences may increase in the future. A wide range of actions have been undertaken already, especially in relation to land drainage that will minimise flooding. In brief, Rossendale Borough Council has:-

- put in place a range of partnership arrangements
- embarked on projects to address and alleviate local flooding
- completed a Strategic Flood Risk Assessment
- prepared information for inclusion into Surface Water Management Plans
- identified and mapped local drainage assets
- started to identify changes to flood risk management due to climate change
- learnt lessons from previous flooding events
- access to technical in-house expertise

## **9. RECOMMENDATION(S)**

- 9.1 That the progress being actively made to implement the findings of the Pitt Review within Rossendale be noted.

## **10. CONSULTATION CARRIED OUT**

- 10.1 Consultation is being undertaken on an ongoing basis with all the key agencies and organisations involved.

## **11. COMMUNITY IMPACT ASSESSMENT**

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

## **12. BIODIVERSITY IMPACT ASSESSMENT**

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Background Papers	
Document	Place of Inspection
<p>Learning Lessons from the 2007 Floods. Final Report of the Pitt Review. Cabinet Office. June 2008.</p> <p>The Government's Response to Sir Michael Pitt's Review of the Summer 2007 Floods: Progress Report. Defra. June 2009.</p> <p>Draft Flood and Water Management Bill. Defra. 21<sup>st</sup> April 2009</p>	<p>Environmental Health Service Stubblelee Hall Stubblelee Lane Bacup Lancashire OL13 0DE</p>