

REPORT TO: OVERVIEW AND SCRUTINY COMMITTEE
(REGENERATION & ENVIRONMENTAL SERVICES)

DATE: 13th April 2010

SUBJECT: Watercourse Maintenance and Flooding Working Group –
Addressing the Recommendations

WARDS AFFECTED: All

REPORT OF: Mike McSorley, Head of Regeneration and Technical
Services

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EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To advise Members of a proposed way forward to address the recommendations arising from the report of the Watercourse Maintenance and Flooding Working Group which have been recommended by the Overview and Scrutiny Committee (Regeneration and Environmental Services) and approved by Cabinet on the 1st October 2009.

REASON WHY DECISION REQUIRED:

The Working Group has made a number of recommendations which have been considered by the Overview and Scrutiny Committee (Regeneration and Environmental Services) and approved by Cabinet. It was agreed that if Cabinet approved the recommendations a further report would be brought setting out proposals, timescales and costs for how the recommendations can be addressed.

RECOMMENDATION(S):

That Members note the proposed approach (set out in section 3) to address the Recommendations arising from the report presented to them on the 1st October 2009 from the report of the Watercourse Maintenance and Flooding Working Group which have been recommended by the Overview and Scrutiny Committee (Regeneration and Environmental Services).

KEY DECISION: No

FORWARD PLAN: Not applicable

IMPLEMENTATION DATE: Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

ALTERNATIVE OPTIONS: None as Cabinet have resolved to receive a report on implementation of their previous resolution

Budget/Policy Framework: None

Financial: None

Legal: None

Risk Assessment: Specific risk areas are detailed in the body of the report

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

CORPORATE OBJECTIVE MONITORING:

| <u>Corporate Objective</u> | | <u>Positive Impact</u> | <u>Neutral Impact</u> | <u>Negative Impact</u> |
|----------------------------|---|------------------------|-----------------------|------------------------|
| 1 | Creating a Learning Community | | √ | |
| 2 | Creating Safe Communities | √ | | |
| 3 | Jobs and Prosperity | | √ | |
| 4 | Improving Health and Well-Being | √ | | |
| 5 | Environmental Sustainability | √ | | |
| 6 | Creating Inclusive Communities | | √ | |
| 7 | Improving the Quality of Council Services and Strengthening local Democracy | | √ | |
| 8 | Children and Young People | | √ | |

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

(a) The Working Group's Final Report

1.0 INTRODUCTION

- 1.1 It was agreed as one of the recommendations of the report presented to Cabinet on the 1st of October 2009 that a further report be presented setting out the proposals for implementing the recommendations of the Overview and Scrutiny Committee (Regeneration and Environmental Services) in relation to Watercourse Maintenance and Flooding.

2.0 BACKGROUND

- 2.1 The Overview and Scrutiny Committee (Regeneration and Environmental Services) at its meeting held on 3 June 2008 (Minute No 7 refers) resolved that a Working Group be established to:-
- (i) examine the adequacy of the maintenance of watercourses and drainage in the Borough, particularly in light of the Pitt Review; and
 - (ii) gain a publicly accessible understanding of each Agency's / and Agencies' joint responsibilities in relation to flooding risks.
- 2.2 The Working Group has now completed its review and made a number of recommendations which have been approved by Cabinet (1st October 2009). The working group considers that the final report as submitted should be considered as a "work in progress" and that aspects may need to be revisited over time as conditions dictate.
- 2.3 Recommendations of the Working Group are detailed in the table in section 3 together with proposals for implementing them for Member's consideration and approval.

3.0 PROPOSALS FOR IMPLEMENTING THE RECOMMENDATIONS

- 3.1 Proposals are set out in the table below alongside the recommendation.

| No | Recommendation | Action |
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| A General | | |
| (i) | Cabinet and Chief Officers should note that since December 2008 the local authority has become the lead authority for flood risk management and all aspects and should make the appropriate arrangements in response to this new role. | A report of the Strategic Director - Regeneration and Environmental Services was presented to the Cabinet Member - Communities on 4th November 2009, concerning the combined implications for Sefton of the draft Flood and Water Bill/Pitt Review. It recommended that a 'Project Team' should be set up to report back to Members various options for implementing the new roles and responsibilities and the likely cost implications. |
| (ii) | Sefton should immediately establish a 'Sefton Flooding Group', along the lines of the successful Group now operating in Wirral. This Working Group should take forward the recommendations set out in this report. | A working group is being established which will be Chaired by a Chief Officer. In the first instance this will be Council Officers only who can consider in detail the composition and remit of the group. |
| (iii) | Information should be made available to all residents and local businesses that sets out the contact details and areas of responsibility relating to flooding and what support flooded homeowners can expect. | Details of how this can be progressed to be considered by working group as one of first issues. A lot of information is currently provided/available by a number of different agencies but there is a need to ensure provision of a consistent, current and user friendly message. It is not envisaged that implementation of this action will be problematic. |

| No | Recommendation | Action |
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| (iv) | The Council needs to make landowners aware of their riparian responsibilities in relation to watercourses which cross their land and seek to find ways to enforce action from these individuals, while ensuring that the councils' own riparian ownership responsibilities are fulfilled. | <p>Initial action is to identify and map watercourses and responsibilities which will be dependent on funding being made available next year. Following this responsibilities need to be communicated to riparian owners as part of an awareness raising campaign. If owners are not discharging their responsibilities properly the Council and partner agencies can consider enforcement action. The Working group will establish likely cost of enforcement action with Legal Services, (enforcement)</p> <p>Raise with corporate communications at meeting of working group (publicity)</p> <p>Links to C(i) and definitive map to identify locations and ownership.</p> |
| (v) | the Council should take on board the recommendations of the Pitt review, the Government's forthcoming Flood and Water Bill and the actions proposed therein and take note of the comments on the Bill made by the Drainage Services Manager as part of the consultation process. | Dealt with at Recommendation (i) |
| (vi) | Cabinet be recommended to take note of the recently prepared Flood Risk Assessment. | Flood Risk Assessment approved by the Cabinet (Minute No. 137 - 1 October 2009 refers) |
| (vii) | the Council should take account of the financial and other implications of the forthcoming report on climate change to be submitted by the Drainage Services Manager. | Overview and Scrutiny (Regeneration and Environmental Services) on 20th October received a report on Climate Change and Flooding, which included proposed future funding changes for the drainage function which were recommended to Cabinet. Cabinet considered this report on 25th November and referred budget implications to the 201/11 budget process. |
| B Coastal / Tidal Flood Risks | | |
| (i) | The existing plans developed to protect the area between the Coastguard Station & Hightown need to be brought forward and implemented as soon as practicable. | This work is underway and the Strategy Document for the length of coast from Crosby to Formby Point will be presented to Council for final approval early in 2010. |
| (ii) | The Council needs to discuss the repair of the "Training Bank" with interested parties | This issue has been discussed with the Environment Agency and will continue to be pursued within the constraints of current grant aid rules. |
| C Watercourse / Fluvial Flood Risks | | |
| (i) | Within the authority's budgetary constraints the funding and development of a regular maintenance programme of the strategic watercourses across the | The report of the Strategic Director - Regeneration and Environmental Services which was presented to the Cabinet Member - Communities on 4th November 2009, concerning the combined implications for Sefton of the draft Flood and Water Bill/Pitt Review, had as one of its recommendations that |

| No | Recommendation | Action |
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| | Borough should be considered and the acceleration of the production of a definitive map of all watercourses should be investigated. | <p>Members note that Overview and Scrutiny (Regeneration and Environmental Services) on 20th October received a report on Climate Change and Flooding, which included future funding changes for this service which was recommended to Cabinet. Any additional funding would be, in part, utilised to develop strategic watercourse maintenance across the Borough</p> <p>In addition, funding opportunities are being exploited through DEFRA and the Environment Agency</p> |
| (ii) | The Council should request the Environment Agency to install remote monitoring of water levels in the Lunt/Maghull area as a matter of urgency. | A letter on behalf of Members has been sent to the Environment Agency and a reply is awaited. |
| (iii) | The Council should make efforts to provide assistance to residents whose properties have been subject to flooding as a result of the flooding of watercourses outside of the curtilage of their premises (for example from a neighbouring property) by way of emergency contact numbers or reporting procedures. | Links to A(iv) identify methods of communication e.g leaflet with Council Tax Bill, local press etc, raise with corporate communications at meeting of working group. Assistance needs to be available for a wide range of potential incidents from single property flooding to a major emergency. |
| (iv) | The Council should consider introducing a policy prohibiting any further culverting of open watercourses. | <p>The new Flooding and Water Bill places responsibility for this on Council rather than the Environment Agency in the future.</p> <p>There may be occasions where the Council has no control over culverting of open watercourses, e.g. permitted development for statutory undertakers. Cabinet members and Chief Officers should be advised that they should not use their permitted development rights to culvert open watercourses on land they control. However, in many cases – e.g. linked to a development proposal – planning permission will be required for culverting.</p> <p>The Planning & Economic Regeneration Director considers that a policy limiting further culverting is best approved within the Core Strategy and subsequent local development documents. This should also require new development schemes to take appropriate opportunities to restore existing culverts to open channels. In the interim, it is proposed that the ‘Sustainability in Design’ information note be amended to say that the Council will not look favourably on further culverting. The Environment Agency has indicated that it does not support further culverting, unless for access reasons.</p> |
| (v) | The Council should instigate a programme to comply with its duty to inspect and maintain watercourses where culverted under the highway, firstly by compiling a comprehensive record of all such watercourses and then implementing a regular inspection | Funding opportunities are being exploited through DEFRA and the Environment Agency to investigate and map watercourses throughout the Borough. The total estimated cost of undertaking this work by individual catchments is in the region of £220k. this is the first step towards identifying the requirement comprehensively. This will then be fed into existing maintenance regimes and prioritised within the emerging asset management plan. |

| No | Recommendation | Action |
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| | and maintenance programme thereof | On a note of caution, however, continued budget pressures for highway maintenance will impact on this objective being delivered |
| D Land and Highway Flood Risks | | |
| (i) | Residents should be notified in good time when gully cleansing is due to take place so that they can avoid parking over gully drainage grates. | At the next monthly progress meeting the gully cleansing contractor will be requested to supply an annual programme showing, on a weekly basis, roads in which he expects to cleanse gullies. |
| (ii) | Within the authority's budgetary constraints the funding and development of a more proactive response to flooding and maintenance across the Borough should be considered. | Gully maintenance is now undertaken on an annual basis as opposed to twice-yearly. However, an additional cleansing visits programme is being developed based on known local flooding hotspots. |
| (iii) | There is a need to ensure the proper screening of gully drainage grates etc. when highway surfacing works are carried out | <p>At present the agreed process is that gullies are checked at the design stage and any that are found to be blocked are reported to the drainage team for cleaning. This is typically no longer than 6-8 weeks before the works start on site. They are visually assessed again at the pre start meeting (approx 2 weeks in advance of works) and if they are still found to be blocked, are chased up with the drainage team.</p> <p>During the surfacing operations the standard method of working is for the planing contractor to cover the gratings with plastic bags. When surfacing materials are being laid the contractor places a tin plate over the cover before the machine passes over it and then it is removed by the operatives and the surrounding area raked smooth.</p> <p>On completion of surfacing, the contractor is required to remove any debris that has fallen into the gully pot, this is done by the use of a vacuum attachment on the mechanical sweeper. This is supplemented by the manual removal of debris should this be required.</p> <p>Capita are managing this process on behalf of the Council and have been asked to remind contractors of the need to do this properly. The supervising team will also be reminded of their obligations in checking that the work has been done. In addition to support this, it is proposed to introducing a check sheet for each scheme which will require 'signing off' at the end of the construction works to confirm that the gullies have been checked for acceptability.</p> |
| E Pluvial or Surface Water Flood Risks | | |
| (i) | The Planning Department should look at means of enforcing planning permission for hard landscaping across the Borough (for example flagging front and rear gardens). | <p>Noted that Planning permission is now required for most hard-surfacing of front gardens or driveways. Levels of public awareness and acceptance of this requirement are high.</p> <p>The hard-surfacing of rear of gardens is permitted development. Where Surface Water Management Plans provide the evidence to justify this in the future, options such as the removal of these</p> |

| No | Recommendation | Action |
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| | | permitted development rights can be considered for particular areas of Sefton. This would mean that planning permission would be required for hard-surfacing in rear gardens as well. |
| (ii) | The Planning Department should endeavour to ensure that a flood risk assessment is included as part of the planning application process | Site flood risk assessments as part of the planning application process are already a requirement in areas where there is an identified flood risk, e.g. for all development adjacent to brooks, ditches or canals, and for all development on sites of over 1.0 hectare within Flood Zone 1 and all development within Flood Zones 2 and 3 (in line with national planning policy in PPS25) or on sites identified as requiring a site-specific Flood Risk Assessment in Sefton's Strategic Flood Risk Assessment, local plans or planning guidance. |
| (iii) | The Planning Department should consider methods of ensuring that building does not take place above existing watercourses | <p>The Council will continue to take this approach where it is aware of the watercourse (or culvert). For sites which include or are next to a Main River watercourse, the prior written consent of the Environment Agency is also required for any proposed works, buildings, fences, pipelines or other structures or tree or shrub planting in, under, over or within 8 metres of the top of the bank/retaining wall of the Main River watercourse.</p> <p>The Director of Planning and Economic Regeneration considers that a planning policy limiting development immediately above or adjacent to existing watercourses is best approved within the Core Strategy, which is currently being prepared, and subsequent local development documents. A policy should also require new development schemes to take appropriate opportunities to restore existing culverts to open channels. In the interim, it is proposed that the 'Sustainability in Design' information note be amended to say that the Council will not look favorably on building above existing watercourses.</p> |
| F Sewer or Foul Flood Risks | | |
| (i) | Sefton should publicise the responsibility of individuals, and private contractors, to not to dispose of certain materials down our domestic drains | Officers from the Corporate Communications Team to be invited to a working group meeting to discuss available publicity options. This will need to be in conjunction with United Utilities who are responsible for the sewerage system. |
| (ii) | The council should consult with United Utilities with a view to agreeing a practical schedule of sewer replacements within the borough | Joint working with United Utilities, as part of the development of surface water management plans and flood risk identification will identify opportunities where sewer replacements will have combined benefits. However, United Utilities funding opportunities are tied into their 5 year plan with OFWAT |
| (iii) | The working group is concerned that the budget for the maintenance of gullies has been significantly reduced to the extent that gullies are now only able to be cleaned once per year and feels that the decision in respect of this budget should be revisited. | Overview and Scrutiny (Regeneration and Environmental Services) on 20th October received a report on Climate Change and Flooding, which included proposed future funding changes for the drainage function which was recommended to Cabinet. Any increase in the gully cleansing budget allocation would enable a return to twice-yearly gully cleansing. |

3.2 It is proposed that an Annual report will be presented to Overview and Scrutiny to review progress on implementing the recommendations approved by Cabinet and detailed in 3.1 above. This will enable reporting on evolution of the strategy as it is developed and progress as it is implemented, and take into account new and emerging Government guidance.