
Report to: Cabinet **Date of Meeting:** 21st July 2011

Subject: Watercourse Maintenance and Flooding Working Group (2008/09) - Flood and Water Management Act 2010

Report of: Director of Corporate Commissioning **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose/Summary

To refer recommendations from the Overview & Scrutiny Committee (Regeneration & Environmental Services) in relation to the Flood and Water Management Act (2010) and the new duties imposed on Sefton as the Lead Local Flood Authority.

Recommendation(s)

That the Cabinet consider the recommendations of the Overview & Scrutiny Committee (Regeneration & Environmental Services), set out in Paragraph 1.8, together with the management response and financial implications set out in the report.

(The Chair of the Committee - Councillor Papworth will attend the Cabinet Meeting)

How does the decision contribute to the Council's Corporate Objectives?

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

Reasons for the Recommendation:

To discharge and designate the new duties from the Flood and Water Management Act to an appropriate Officer(s) to ensure compliance.

What will it cost and how will it be financed?

(A) Revenue Costs – None arising from this report

(B) Capital Costs – None arising from this report

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal		
Human Resources		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery: N/A

What consultations have taken place on the proposals and when? N/A

The Head of Corporate Finance has been consulted and has no comments on this report other than to confirm that the funding for flood defence will be reviewed as part of the 2012/13 and 2013/14 budget setting processes. **FD860/2011**

The Head of Legal Services has been consulted and has no comments on this report. **LD218/11**

The Director of Built Environment has been consulted and his comments are included within the report.

Are there any other options available for consideration? N/A

Implementation Date for the Decision

Following the expiry of the call-in period after the publication of the Cabinet Minutes

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Background Papers:

Report to Cabinet, 14 April 2011, *Flood and Coastal Erosion Risk Management*

1. Introduction/Background

1.1 In October 2009 the Cabinet considered the Final Report of the Watercourse Maintenance and Flooding Working Group. (The recommendations are set out at **Appendix A**)

1.2 After considering the Final Report, Cabinet resolved the following:-

That:

(1) *the recommendations be approved and a further report be submitted to the Cabinet setting out a proposed practical way forward, including likely costs and timescales;*

(2) *it be noted that the report will be shared with United Utilities, the Environmental Agency, Parish Councils and other partner agencies; and*

(3) *it be noted that the report should be considered as a "work in progress" and that aspects may need to be revisited over time as conditions dictate.*

1.3 Further to resolution (1) above, in November 2009 Cabinet also considered a report, *Climate Change and Inland Flooding in Sefton*, which set out the effects that climate change may have on inland flooding in Sefton and identified changes and improvements which, if implemented, would reduce these effects now and in the future. Cabinet resolved that: *the report be noted; the proposals set out in the report be supported; and the provision of revenue growth of £122K in drainage budgets, in particular for land drainage, be considered further during the 2010/11 budget process.* No growth was subsequently provided for in the budget setting process.

1.4 The inquiry into the maintenance of watercourses and drainage in the Borough, was undertaken particularly in the light of the Pitt Review which was published in 2008 as a result of the summer floods in 2007. Following on from the 92 recommendations of the Pitt Report we have seen the introduction of the Flood and Water Management Act 2010, which makes Local Authority's responsible for local flood risk and places new duties on Sefton.

1.5 Sefton is the Lead Local Flood Authority (LLFA) which means that the Council must investigate flooding incidents in its area and publish the results. It also means that the Council has a responsibility to establish and maintain a register of structures or features which may have an effect on flood risk in its area. Records must include information on ownership and condition.

- 1.6 On 14 April 2011 Cabinet considered a report, *Flood and Coastal Erosion Risk Management*, that sought approval for amendments to the Staffing Establishment in order to make adequate provision for undertaking new statutory duties relating to Flood Risk Management. Cabinet resolved:
- (1) *the impact of the new duties, together with existing flood defence and coastal defence responsibilities, be noted;*
 - (2) *the Council's specific grant allocations within the Local Government Finance Settlement of £120,600 in 2011/12 and £157,900 in 2012/13 be noted; and*
 - (3) *approval be given to the allocation of £70,000 out of the above funding to the Flood and Coastal Erosion Risk Management function, from April 2011 in order to facilitate adequate delivery of the new duties, through the creation of one full time equivalent new post, which would provide a redeployment opportunity for staff under risk of redundancy as a result of the Council's budget savings in 2011/12.*

In addition, the Financial Implications section of the above report identified that "It will be necessary to review the level of service in 12 months time when the remaining provisions are fully enacted and again in 2013 when the future funding levels are known".

- 1.7 The Overview and Scrutiny Committee (Regeneration and Environmental Services) at it's meeting held on 14 June 2011 welcomed an update from Ms. Claire Bursnoll, Environment Agency (Merseyside Authorities: Flood Liason Engineer) in relation to the Floods and Water Management Act, actions update. (Minute attached at Appendix B).

1.8 The Committee agreed the following recommendations to be referred to Cabinet:-

RESOLVED: That:

- (1) *Ms. Claire Bursnoll be thanked for the verbal update in relation to the Floods and Water Management Act 2010; and*
- (2) *the Overview and Scrutiny Committee (Regeneration and Environmental Services) advises The Cabinet that:-*
 - (a) *the Council is in danger of breaching the Flood and Water Management Act 2010, in that it has failed to make any real attempt to implement the provisions of the Act;*
 - (b) *there has been no genuine effort to implement the recommendations of this Committee's Working Group (2009), despite their being acclaimed at the time, and it is high time this was addressed;*

- (c) *there is an urgent need to establish a process by which senior managers, key partners (police services, fire services and communities) and senior politicians become engaged in flood protection planning;*
- (d) *it be recognised that the Council did not fully allocate the £121,000 grant money from the new duties placed on the LLFA as a result of the Floods and Water Management Act 2010 and requests that there should be regular reconsideration of the allocation of funding;*
- (e) *there is significant risk of serious flooding in the Borough (and much recent experience thereof) and requests the Cabinet and the Council to give due consideration to the matter; and*
- (f) *in general, there needs to be a far more determined effort to implement the recommendations of Overview and Scrutiny Committee's, once they have been accepted by the Cabinet.*

1.9 Whilst the Committee understands the extreme financial pressure the Council is under, it urges Cabinet to examine the recommendations as set out in Appendix B and respond appropriately.

1.10 The Director of Built Environment comments upon the resolution from the Overview & Scrutiny Committee (Regeneration and Environmental Services) meeting on 14 June 2011 as follows:

- (1) Close working with the Environment Agency remains essential and Ms. Bursnoll's ongoing contribution to this work is welcomed.
- (2)(a) The report to Cabinet on 14 April 2011, referred to in 1.6 above, clearly identified that a decision not to allocate additional funding for the delivery of the additional duties would *"place the Council at risk of failing to discharge its duties under the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 and severely reduce the Council's ability to understand, plan and manage the risks from flooding and coastal erosion. Failure to comply with the new duties could result in infraction proceedings under the European Commission Floods Directive"*.

No statutory compliance deadlines have been missed. Additional resources have been allocated and these will need to be reviewed annually, to ensure that the future demands of the legislation are met. Government guidance on the full nature of the new responsibilities is still under development and the implications of this will also need to be monitored.

On 14 June 2011 the Overview & Scrutiny Committee (Regeneration and Environmental Services) also considered a report, *Preliminary Flood Risk Assessment-Preliminary Assessment Report*, that set out

the timescales for delivery of some major requirements of the above legislation:

- Preliminary Flood Risk Assessments submitted to Environment Agency by 22 June 2011;
- Preliminary Flood Risk Assessments submitted to EU by 22 December 2011;
- Flood Risk and Flood Hazard Mapping submitted to EU by 22 December 2013; and
- Flood Risk Management Plans submitted to EU by 22 December 2015

The minute attached in Appendix B makes reference to a Local Strategy. It is understood that reference to Defra expecting “*progress on a Local Strategy by December 2010*” is a typing error and should say December 2011. There is currently no statutory deadline for completion of the Local Flood Risk Strategy, the strategy will be developed alongside the above and progress will be made by December 2011 as Defra expects. Sefton intends to have an approved strategy completed and in place by December 2012. It is intended that all of the issues raised by Overview & Scrutiny Committee (Regeneration and Environmental Services) will either be addressed within the Strategy or through development of the Strategy.

- (2)(b) It is understood that Overview & Scrutiny Committee (Regeneration and Environmental Services) recognised the need for additional resource in this area of work when making its recommendations to Cabinet. As indicated in 1.3 above Cabinet recognised this need, in November 2009, when resolving to consider the provision of revenue growth in drainage budgets during the 2010/11 budget process. No growth was provided for in the 2010/11 budget and this limited the resource available to progress the recommendations at that time. This has subsequently been addressed by the provision of growth in the 2011/12 budget and the process of amending the staffing establishment and recruiting to the approved additional post is underway.

Despite the absence of earlier provision of additional resource some progress has still been made against the Overview & Scrutiny Committee (Regeneration and Environmental Services) recommendations and compliance with the new legal duties, in particular, in September 2009 the Coastal Protection Team were made responsible for leading on “all-source” flooding issues, including continuing to monitor and improve understanding of the emerging new roles and duties; undertaking the Capita Technical Services Contract Client/Project Sponsor role; and liaison with the Environment Agency and other local authorities.

An update on progress against the Committee’s recommendations was provided at the Overview & Scrutiny Committee (Regeneration and Environmental Services) meeting on 8 March 2011 and is provided in

Appendix C to this report. Further developments since March 2011 are reflected in additional notes added at the end of Appendix C.

The enhanced role of the Coastal Protection Team has now been formally recognised, following Cabinet approval in April 2011, by the re-designation of the team as the Flood and Coastal Erosion Risk Management (FCERM) Team and the inclusion of the approved additional resource. This will enable delivery of a more comprehensive approach to FCERM including leading the implementation of the new duties under the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 and delivery of the Overview & Scrutiny Committee (Regeneration and Environmental Services) recommendations.

- (2)(c) An operational officer Working Group, the *Making Space for Water Group*, has been established. This is now chaired by the FCERM Team Leader and membership includes officers from the Council's Planning and Emergency Planning services; Capita Symonds Land Drainage Team; United Utilities; and the Environment Agency. The Group is currently reviewing its terms of reference and developing terms of reference for a Strategic Group that it is envisaged would include Elected Members and senior officers. The Overview & Scrutiny Committee (Regeneration and Environmental Services) will continue to be an essential forum for engaging Elected Members in flood protection planning and where decisions are required from the Executive they will be addressed through the Cabinet Member Environmental, Cabinet Member Streetscene & Transportation, or Cabinet as appropriate.
- (2)(d) The approach proposed within the report to Cabinet on 14 April 2011 was developed within the context of the current significant reduction in Council funding and on the basis of identifying the minimum resource required with the most cost-effective deployment of that resource to deliver against the new duties and the other issues/pressures identified in that report. Regular review of the adequacy of that resource, on at least an annual basis, is essential and was explicit within the Cabinet Report. It is suggested that the annual review of resource should be considered by the Overview & Scrutiny Committee (Regeneration and Environmental Services) alongside an Annual Report of progress.
- (2)(e) Flood and coastal erosion risk management is a significant issue for Sefton, given its long coast and extensive areas of low lying land, with approximately 90% of its area reliant on pumped drainage, there is a significant risk of serious flooding in the Borough. The Council has recognised this in categorising FCERM as a "front-line" service in the recent service-prioritisation process and in allocating some additional resource despite the current significant reduction in Council funding.
- (2)(f) This is a matter for Cabinet to consider.

Original Recommendations from the Watercourse Maintenance & Flooding Working Group

1.0 General

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 The Council needs to ensure that their riparian ownership responsibilities are fulfilled, and seek to find ways to enforce individuals' responsibilities.
- 1.5 the Council should take on board the recommendations of the Pitt review, the Government's forthcoming flooding 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.
- 1.6 Cabinet be recommended to take note of the recently prepared Flood Risk Assessment.
- 1.7 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.

2. Coastal / Tidal Flood Risks

- 2.1 Plans should be implemented to protect the area between the Coastguard Station & Hightown
- 2.2 The Council needs to discuss the repair of the "Training Bank" with interested parties

3. Watercourse / Fluvial Flood Risks

- 3.1 Within the authority's budgetary constraints the funding and development of a regular maintenance programme of the strategic watercourses across the Borough should be considered and the acceleration of the production of a definitive map of all watercourses should be investigated.
- 3.2 The Council should request the Environment Agency to install remote monitoring of water levels in the Lunt/Maghull area must be as a matter of urgency.
- 3.3 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 cartilage of their premises (for example from a neighbouring property).

- 3.4 the Council should consider introducing a policy prohibiting any further culverting of open watercourses and encouraging existing culverts to be re-opened wherever possible.
- 3.5 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 and maintenance programme thereof.

4. Land and Highway Flood Risks

- 4.1 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.
- 4.2 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.
- 4.3 there is a need to ensure the proper screening of gully drainage grates etc. when highway surfacing works are carried out.

5. Pluvial or Surface Water Flood Risks

- 5.1 The Planning Department should look at means of enforcing planning permission for hard landscaping across the Borough (for example flagging front and rear gardens).
- 5.2 The Planning Department should endeavour to ensure that a flood risk assessment is included as part of the planning application process
- 5.3 The Planning Department should consider methods of ensuring that building does not take place above existing watercourses

6. Sewer or Foul Flood Risks

- 6.1 Sefton should publicise the responsibility of individuals, and private contractors, to not to dispose of certain materials down our domestic drains
- 6.2 The council should consult with United Utilities with a view to agreeing a practical schedule of sewer replacements within the borough.
- 6.3 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.

Appendix B

Extract from Minutes

Overview and Scrutiny Committee (Regeneration and Environmental Services) – 14 June 2011

5. FLOODS AND WATER MANAGEMENT ACT - ACTIONS UPDATE

The Chair, Councillor Papworth welcomed Ms. Claire Bursnoll, Environment-Agency (Merseyside Authorities: Flood Liaison Engineer) to the meeting.

Ms. Bursnoll briefed Members on how the Flood and Water Management Act (2010) came about and referred to the 92 recommendations of the Pitt Review (2008). She explained that Sir Michael Pitt had published his review after the UK Summer floods (2007).

Ms. Bursnoll updated the Committee on progress in relation to Flood Risk Management and with particular reference to:-

1. The Floods and Water Management Act (FWMA)

It was reported that following the UK Summer 2007 floods, which caused £3.2 billion of damage, lessons had been learnt that if put in place could reduce the impact of flooding in Sefton. Ms. Bursnoll referred to the following duties which had already been enacted with a direct resource implication:-

- **Local Strategy** – Defra expected progress on a Local Strategy by December 2010. It was explained that the work on the Local Strategy should follow on from the June Preliminary Flood Risk Assessment. The Local Strategy should:-
 - understand local flood risk;
 - identify and cost management solutions;
 - identify funding options;
 - understand land use planning and development function to ensure surface water is managed from new developments;
 - identify what Sefton won't do and evaluate the risks; and
 - communicate plans to the Community.
- **Duty to Investigate** – As the Lead Local Flooding Authority (LLFA), Sefton must investigate flooding incidents in its area. The results must be published.
- **Duty to maintain a register** – As the Lead Local Flooding Authority (LLFA), Sefton must establish and maintain a register of structures or features which may have an effect on flood risk in its area. Records must include information on ownership and condition.

2. Next Steps – Work Load for 2011

It was reported that Sefton must demonstrate that they:-

- Understand the risk;
- Plan for that risk;
- Maintain and Improve defences;
- Communicate the risk to outside bodies and communities;
- Understand their spatial awareness;
- Have Emergency Plans in place.

3. Concern relating to awareness at senior management level within Sefton MBC

Ms. Bursnoll reported that the key issue for Sefton was to designate Officers to have a direct responsibility to take the several duties that have been placed on the LLFA forward. She emphasised the importance of this matter as the LLFA.

4. Concern that not all funding assigned from central government has been made available for new duties

Ms. Bursnoll explained that the Government provided £121,000 to Sefton to carry out the new duties. It was reported that the funding was part of the Area Based Grant (local service Support Grant) and was unringfenced which meant that Sefton had secured £70,000 of the money for those new duties. It was reported that wherever possible a request to designate the relevant amount to enable Sefton to discharge their duties as the LLFA could be fulfilled.

RESOLVED: That:

- (1) Ms. Claire Bursnoll be thanked for the verbal update in relation to the Floods and Water Management Act 2010; and
- (2) the Overview and Scrutiny Committee (Regeneration and Environmental Services) advises The Cabinet that:-
 - (a) the Council is in danger of breaching the Flood and Water Management Act 2010, in that it has failed to make any real attempt to implement the provisions of the Act;
 - (b) there has been no genuine effort to implement the recommendations of this Committee's Working Group (2009), despite their being acclaimed at the time, and it is high time this was addressed;
 - (c) there is an urgent need to establish a process by which senior managers, key partners (police services, fire services and communities) and senior politicians become engaged in flood protection planning;

- (d) it be recognised that the Council did not fully allocate the £121,000 grant money from the new duties placed on the LLFA as a result of the Floods and Water Management Act 2010 and requests that there should be regular reconsideration of the allocation of funding;
- (e) there is significant risk of serious flooding in the Borough (and much recent experience thereof) and requests the Cabinet and the Council to give due consideration to the matter; and
- (f) in general, there needs to be a far more determined effort to implement the recommendations of Overview and Scrutiny Committee's, once they have been accepted by the Cabinet.

Appendix C

Summary of Working Group Recommendations, Action Approved and Progress Update

The following update on progress against the Overview and Scrutiny Committee (Regeneration and Environmental Services) recommendations was provided at the Overview & Scrutiny Committee meeting on 8 March 2011. Further developments since March 2011 are reflected in additional notes that follow the table below.

No	Recommendation	Action	Update
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.	<p>A specific Project Team has not been established to date.</p> <p>In the interim the Coastal Protection Team have continued to monitor and improve understanding of the emerging roles and have led on all-source flooding issues, including undertaking the Capita Technical Services Contract Client/Project Sponsor role and liaison with the Environment Agency and other local authorities. Limited resources have constrained the level of activity possible.</p> <p>A better understanding now exists of the new roles and most of the duties (excluding SUDs) will be in place by 1st April 2011. Government has allocated specific funding, via non-</p>

			ring-fenced ABG, for 2011/12 and 2012/13. A report is being prepared to update Cabinet and propose a way forward.
(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.	The Working Group has not been established to date but discussions are underway with Clair Bursnoll, Environment Agency, to progress this issue.
(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.	See A(ii) above. Practical experience was gained during the urban flooding incident in Bootle during the summer of 2010 that will help inform delivery of this action.

(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 council's own riparian ownership responsibilities are fulfilled.	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) Raise with corporate communications at meeting of working group (publicity) Links to C(i) and definitive map to identify locations and ownership.	No significant progress. See C(i) below.
(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)	See A(i) above.
(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)	Action Completed.
(vii)	the Council should take account of the financial and other implications of the forthcoming	Overview and Scrutiny (Regeneration and Environmental Services) on 20th October 2009 received a report on Climate Change and Flooding, which	No budgetary growth was provided for within the 2010/11 budget.

	report on climate change to be submitted by the Drainage Services Manager.	included proposed future funding changes for the drainage function which were recommended to Cabinet. Cabinet considered this report on 25th November 2009 and referred budget implications to the 2010/11 budget process.	Current and future budgetary provision must be considered in the context of the current financial constraints and the Council's service priorities.
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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.	The Crosby to Formby Point Strategy is completed and the Hightown scheme is being progressed.
(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.	Following adoption of the second generation of Shoreline Management Plans, management of the Training Bank forms one of the actions detailed and will be carried forward into the Action Plan for the Council arising from the Shoreline Management Plan.

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 Borough should be considered and the acceleration of the production of a definitive map of all watercourses should be investigated.	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 Members note that Overview and Scrutiny (Regeneration and Environmental Services) on 20th October 2009 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	The authority does not have a definitive map of its own assets or the assets of others that contribute to flood defence. This would be required before we can develop a regular risk based approach to the management of watercourses. No budgetary growth was provided for within the 2010/11 budget.
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		strategic watercourse maintenance across the Borough. In addition, funding opportunities are being exploited through DEFRA and the Environment Agency	Current and future budgetary provision must be considered in the context of the current financial constraints and the Council's service priorities.
(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.	The Environment Agency are currently undertaking hydrological studies and modeling exercises in these areas, part of these studies will include a review of remote water level monitoring locations.
(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.	This action has not been completed to date. Practical experience was gained during the urban flooding incident in Bootle during the summer of 2010 that will help inform delivery of this action. Capita, on behalf of Sefton, are in the process of applying for resilience funding that might help a limited number of properties.

(iv)	<p>The Council should consider introducing a policy prohibiting any further culverting of open watercourses.</p>	<p>The new Flooding and Water Bill places responsibility for this on Council rather than the Environment Agency in the future. 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. 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>	<p>Process being put in place, likely to be reflected in a supplementary planning document (SPD) that would support an overarching flood risk policy within the core strategy.</p>
(v)	<p>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 and maintenance programme thereof</p>	<p>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. On a note of caution, however, continued budget pressures for highway maintenance will impact on this</p>	<p>No significant progress.</p>

		objective being delivered.	
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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.	<p>The Gully Contractor now provides an annual programme detailing the daily cleansing programmes. A weekly report is then provided of works done, problems encountered etc.</p> <p>Residents enquiring about gully cleansing can now be advised when their street is due to be done/has been done. Proactive publication on the internet will now be explored.</p>
(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.	Hotspots system has been instigated. Procurement of a new Gully Cleansing Contract is currently underway.

(iii)	<p>There is a need to ensure the proper screening of gully drainage grates etc. when highway surfacing works are carried out</p>	<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 68 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. 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. 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. 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>	<p>This action has been undertaken, although some further monitoring is needed to measure effectiveness.</p> <p>The drainage team receive notifications of highway surfacing works and carry out pre and post work checks on gulleys.</p>
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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).	Noted that Planning permission is now required for most hardsurfacing of front gardens or driveways. Levels of public awareness and acceptance of this requirement are high. The hardsurfacing 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 permitted development rights can be considered for particular areas of Sefton. This would mean that planning permission would be required for hardsurfacing in rear gardens as well.	Process being put in place, likely to be reflected in a supplementary planning document (SPD) that would support an overarching flood risk policy within the core strategy.
(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.	This action is being delivered.

(iii)	The Planning Department should consider methods of ensuring that building does not take place above existing watercourses	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. 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.	Process being put in place, likely to be reflected in a supplementary planning document (SPD) that would support an overarching flood risk policy within the core strategy.
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F Sewer or Foul Flood Risks

(i)	Sefton should publicise the responsibility of individuals, and private contractors, 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.	No significant progress.
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(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	Position remains the same.
(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 2009 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.	No budgetary growth was provided for within the 2010/11 budget. Current and future budgetary provision must be considered in the context of the current financial constraints and the Council's service priorities.

Further Developments Since 8 March 2011

- A(iii) A review of information on the website is underway, pages will be updated with a coordinated message for all sources of flooding
- A(iv) To increase awareness amongst landowners of their riparian responsibilities in relation to watercourses which cross their land, draft leaflet(s) raising addressing risk and responsibilities for residents in the Formby area are due to be completed and submitted to O&S Committee (E&R) on 2 August 2011 for their consideration.
- B(i) Birse Coastal have been appointed as contractor for Hightown Scheme, which has also been approved by Planning Committee for delegation to Officers. On 23 June 2011 Cabinet approved entering into contract with Birse Coastal for the delivery of the scheme with a target cost of no greater than £1.15m being included in the Capital Programme. Work is due to commence later this summer.
- C(i) With regard to the development of strategic watercourse maintenance across the Borough, a programme is being developed with Capita to create a register of assets within Sefton from existing information. It is estimated that this will be substantially

completed by December 2011. This process will identify areas that will require additional investigation, these will be prioritised to investigate areas likely to be at higher risk and achievable within budgets

- C(iii) Capita applied, on behalf of Sefton, for resilience funding to help progress this issue for a limited number of properties. Unfortunately we have recently been advised that that application was unsuccessful. Further applications will be submitted when the next opportunity arises.
- C(v) In connection with the duty to inspect and maintain watercourses where culverted under the highway, the Formby “Ditch Management Programme” is due to start at the end July/early August.
- D(ii) On 26 May 2011 Cabinet approved the award of new Highways and Drainage Maintenance Contracts, including the award of the Gully Cleansing Contract to Graysons H & E Services, Formby.