

**Summer Floods 2007**

**Worcestershire Joint County and District Councils Scrutiny Report**

**2010 Progress Report**

## **Explanatory Notes:**

Officers apologise for the delay in responding to this item to Members. However, 2 new pieces of legislation have since emerged as listed in Section 6 of the Report. The Flood Risk Regulations 2009 are now enacted and corresponding work is now in progress, as listed below, where appropriate. The Flood and Water Management Act 2010 (Royal Assent 08 April 2010) is still awaiting Commencement Orders, whether in stages or as a whole, directing relevant partner organisations as to their responsibilities (new or existing), timescale factors and any changes in existing funding arrangements.

Following close liaison of member organisations of the Worcestershire Land Drainage Partnership, new initiatives are currently being explored which accord with both Pitt Review recommendations and directives contained within the new Act. Comments have been accordingly made, and it may be necessary for officers to present a supplementary verbal update to the Executive Committee. It is of course recognised that any such arrangements will inevitably require formal approval by Council and a further report will be presented as and when necessary to Members for their consideration in due course.

Many of the flooding issues surrounding Joint Scrutiny are from an Emergency Planning perspective, either from County via Gold or Silver Command, or the constituent members of the LRF. We have fully liaised with them and thus comments below are mainly related to Local Drainage Authority responsibilities.

It is also recognised at the outset that no constituent authority currently has the capacity to deliver all pre-existing land drainage obligations. The range of capabilities varies from one area to another. Initial consideration must therefore concentrate on expanding these roles on a collective basis to ensure that a more comprehensive service can be delivered without unduly affecting current funding levels.

RECOMMENDATION	RESPONSE	PROGRESS
<p>The Group conclude that the County Council should await the outcome of Pitt’s recommendation 60 – “that the Government should implement a public information campaign which draws on a single definitive set of flood prevention and mitigation advice for householders and businesses, and which can be used by media and the authorities locally and nationally.” The Group recommend that when such advice is produced, the County Council’s emergency planning officer should discuss with the Chamber of Commerce how to then promote improved business continuity planning in the county. [paragraph 8.24]</p>	<p><b>CC CMR:</b> The County Council as a Category 1 Responder under the Civil Contingencies Act has a statutory duty to promote the concept of business continuity within the local community. During the past year the Emergency Planning Unit sponsored a week of business continuity awareness activities in association with partner agencies. The opportunity to work in partnership with the Chamber of Commerce is welcomed.</p>	<p>See section 5.22</p>
<p><b>Transport</b></p> <p>The Group recommend that alternative transport arrangements for areas known to flood are contained within the county’s emergency plans; and that a training exercise takes place to test out the effectiveness of the plans and that bus operators involved are fully aware. [paragraph 5.36]</p>	<p><b>CC CMR:</b> Our Transport team already have alternative ‘flood’ bus timetables in place for key critical areas known to flood. In addition, an Emergency Transport Functional Plan is in the final stages of development, which will further ensure that all elements of this recommendation are addressed, this will include the testing of this plan in an exercise involving key parties.</p>	<p>In addition, transport provision in this context (evacuation) is a District Council responsibility under the Civil Contingencies Act. For instance Wyre Forest DC has a contract with a local coach operator to assist with evacuation of people when required. This contract can be used during any emergency situation, not just specifically to flooding. The details are held by the relevant District Council. The County Council Transport Team has also developed an on call rota system to enhance the council emergency response and ability to assist with emergency transportation requirements.</p> <p><b>Redditch BC:</b> Local ad hoc arrangements are in place to help address this problem for the main area affected in the Borough (access to Feckenham School). These arrangements</p>

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		are to be reviewed in conjunction with Feckenham PC to verify if they are sufficiently robust, and to record such arrangements, within Emergency Planning documentation.

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<p><b>Drainage – Technical Responsibility</b></p> <p>Pitt recommends (No 19) that 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 Group are mindful of the potential resource implications but believe that additional resources should be sought from central Government to fund these extra posts. [paragraph 7.7]</p>		<p><b>RBC:</b> Already actively working within WLDP and WETT programme to address any potential shortfalls. See responses at 7.8. Initially, basic inspection and enforcement roles are to be provided by WETT for all non-Council land drainage assets.</p>
<p>The Group recommend that the County and each District Council ensure that suitably qualified officers in each district can take the lead responsibility for checking the condition of drainage assets (watercourse and ditches), feeding information to the drainage condition and assets map and sharing information with the Land Drainage Partnership. [paragraph 7.8]</p>	<p><b>CC CMR:</b> The County Council took the lead in bringing together the Worcestershire Land Drainage Partnership to help provide for a more coordinated approach to managing drainage issues across the County. We have also put in place a Special Projects team of very experienced officers, largely dedicated to dealing with drainage and flooding issues who work closely with our District Councils partners and other key organisations. The County Council has already completed over 190 drainage projects which will help alleviate and address flooding and drainage issues, and has dedicated an additional £5 million pounds over two years to deal with these issues.</p>	<p>See response at 7.15 and 7.17. In addition, the County Council has now completed over 380 drainage projects and allocated a further £4.5 million pounds over the next 2 years to deal with these issues.</p> <p><b>Technical capability in some of the Districts still requires further development. Discussions are ongoing in how we address this issue. In the short term, both the County and other Districts, have been assisting where specific technical issues arise.</b></p> <p>There has been a good take up of a EA/DEFRA student training scheme resulting in funding for 2 students at County and Wyre Forest.</p> <p>Further progress against this recommendation will be made once the roles and responsibilities of Councils is clarified in the</p>

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		<p>Flood and Water Management Act 2010.</p> <p><b>RBC:</b> Redditch Borough Council already has an annual maintenance budget of £100k per annum (2009/10). In addition, there have been a series of capital improvement schemes over many years prior. Following the 2007 Floods, 6 additional projects have been undertaken including the Batchley Brook Improvement Scheme, which alone exceeded £0.25M. Redditch Borough Council is keen to take up the EA/DEFRA Student Training Scheme opportunity. A formal request was made at recent WLDP meeting to review timescales/ resources following earlier staff illness problems.</p>
<p>The Group recommend that each district council assess whether they have sufficient technical capability and if necessary ensure that a suitably qualified individual is available to advise District Planning Committees about drainage issues and flood risk implications for each development. [paragraph 7.37]</p>		<p>See response and progress at 7.17.</p> <p>Joint DCs: Technical capability in some of the Districts still requires further development. Discussions are ongoing in how we address this issue. In the short term, both the County and other Districts, have been assisting where specific technical issues arise.</p> <p><b>RBC:</b> We are exploring forming a collaborative arrangement with Bromsgrove and Wyre Forest District Councils initially utilising existing assets and resources only. Once additional funding arrangements are confirmed, it may be possible to enhance the</p>

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		<p>service further.</p> <p>Officers now are of the opinion that a Formal Shared Service would best achieve the Councils own objectives, and those of the Pitt Review and the new Act. Possible arrangements will be presented to Members at the earliest opportunity.</p>
<p><b>Drainage maintenance</b></p> <p>The approach adopted by Wychavon and Wyre Forest, where officers proactively pursue and serve notice on landowners for not adequately maintaining watercourses, was seen as good practice. The Group feel that other Districts should be encouraged to adopt this approach. The Group therefore recommend that all district councils should consider proactively making use of their powers to serve enforcement orders on landowners who do not comply with requests to maintain their ditches and/or water courses. [paragraph 7.48]</p>		<p>The Worcestershire Land Drainage Group has helped develop a Land Drainage Enforcement Protocol which has been agreed by all Councils which has helped focus on land drainage issues and create a consistency in approach.</p> <p><b>Redditch BC:</b> Existing Land Drainage Enforcement Policy has been reinforced by above. Works to the Plack Brook, Feckenham is an example of where this new enforcement protocol was successfully used.</p>
<p>The Group recommend that District Councils should develop an arrangement whereby if a riparian land owner cannot afford or is unwilling to repair water courses, then under the Local Government Act 2000, they should carry out necessary work and where possible claim the cost of works back from the land owners or their estate. [paragraph 7.50]</p>		<p><b>Joint DCs:</b> There is a reluctance amongst some Councils to carry out works in default due to the lack of clarity over the legal process and concerns over costs.</p> <p>The Flood and Water Management Act 2010 received Royal Assent on 08 April 2010. It is too early to fully clarify the consequences, but a</p>

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		<p>phased implementation is suggested although the timetable and triggers have yet to be confirmed (WLDP)</p> <p>See 7.48 above.</p> <p><b>RBC:</b> Redditch Borough officers actively persuade riparian owners to maintain their watercourses and have had some success in achieving compliance. It is recognised that current arrangements locally mean that officers generally are not sufficiently empowered. It is felt that through the WLDP, that a common ceiling of cost is agreed and consider setting up a county-wide pot for more expensive situations. In the absence of such arrangements, the possibility exists that enforcement will either be delayed due to seeking necessary financial authority or at worst, not pursued at all.</p>
<p><b>Flood Risk Mapping</b></p> <p>The Group recommend that the flood risk map should be produced by the District Councils and held by the County Council for every parish and urban area affected by floods, showing which properties and roads had flooded and the extent and direction of flow of flood waters. The District Council should carry out the mapping, with assistance from parishes. Information needs to be fed in to the County Council, and shared with members of</p>	<p><b>CC CMR:</b> The County Council is working with the District Councils and other parties through the Worcestershire Land Drainage Partnership (which includes the Environment Agency) in developing an effective approach to flood risk mapping, which can then be used by a variety of key organisations.</p>	<p>See progress at para 7.15</p> <p>In addition, the developing District Multi-Agency Flood Plans for Worcestershire will have flood risk maps for every relevant Parish area affected by flooding.</p>



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the Land Drainage Partnership. [paragraph 7.17]		
The Group recognise that this could involve much work especially for larger parishes, therefore, areas most prone to flooding should be prioritised first. [paragraph 7.18]		See sections 7.15 and 7.17
The County Council should co-ordinate sharing of the information on GIS maps, working in collaboration and sharing information with the Environment Agency. [paragraph 7.19]	<p><b>WMLRF response and update</b> - The District Multi-Agency flood plans for Worcestershire have flood risk maps for every parish within the respective areas affected by floods. Three of the district councils within Worcestershire (Wyre Forest, Malvern Hills and Wychavon) have produced Multi-Agency Flood Plans (MAFP's). These plans include specific details of how parishes interact with the responder framework leading up to and throughout an emergency. It is planned to complete MAFP's for the other districts in Worcestershire, Worcester City, Bromsgrove and Redditch by September 2010.</p> <p>These plans highlight the areas at most risk in each district and separate response arrangements have been developed for these areas. The plans highlight the communication channels required during a flooding emergency including liaison with Parish Councils. Contained within these response arrangements are details of community emergency support teams at local parish level. These support teams, where developed, have</p>	<p><b>CC:</b> See sections 7.15 and 7.17</p> <p><b>Redditch BC:</b> A preliminary meeting has been held with WCC and BDC counterparts (with WFDC representative) to discuss how this be progressed. Also RBCs Level 2 Strategic Flood Risk Assessment is being procured with a planned publication date by December 2010.</p> <p>Current regional and/or national severe weather warnings do not unfortunately cater for the needs of 'upper' catchments such as exists in RBC and BDC areas. There is an urgent need to explore and develop an effective warning system for such areas. Typically, these react very quickly, with little or no opportunity for early mobilisation of appropriate adequate resources.</p>

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	<p>further enhanced local emergency preparedness by developing their own parish emergency plans.</p> <p>In support of the above, Severe Weather Working Groups have been established in Shropshire, Worcestershire and Herefordshire. These groups will focus on local needs and activity regarding planning for severe weather events and will help secure resilience through a more consistent approach to managing integration with community leaders.</p> <p><b>The LRF has produced an overview document which sets out the arrangements for responding to and recovering from severe weather events. This document complements district MAFP's.</b></p>	
<p><b>Flash Flooding</b></p> <p>A Lecturer in Physical Geography at the University of Worcester has recently carried out some research into predicting where flash floods might occur in the city due to surface water runoff during heavy rainfall. The conclusions appear promising and could be useful for raising public awareness.</p> <p>The Group recommend that the Land Drainage Partnership considers this and other relevant research (as highlighted in the Pitt Review (Chapter 4) to find a practical cost</p>	<p><b>CC CMR:</b> I have been informed that the Worcestershire Land Drainage Partnership have already met with the Lecturer from the University of Worcester and are liaising closely with the Environment Agency who are members of the partnership on flood research mapping and modelling issues.</p> <p><b>WMLRF response and update</b> - The Met Office in collaboration with the Environment Agency recently enhanced its services to provide predictions regarding areas likely to be affected by flash flooding and provide regular updates where intelligence suggests the</p>	<p>The County Council in liaison with the Worcestershire Land Drainage Partnership is in the process of developing a GIS based approach to mapping areas at risk from Surface Water Flooding. The Council has also very recently been successful in its bid to DEFRA in securing £100k for the development of Surface Water Management Planning across relevant areas of Worcestershire. This will include modelling of relevant critical areas where necessary.</p> <p><b>Redditch BC:</b> is already progressing on this issue and has existing comprehensive</p>

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<p>effective way to model and map areas at risk from flash flooding. [paragraph 7.15].</p>	<p>potential for flash flooding.</p>	<p>records. All districts, including RBC, will still be required to review and update records for the sake of completeness.</p> <p>In addition, the new regulations set out responsibilities for both WCC as ultimate LLFA and constituent Local Drainage Authorities to prepare, collate and maintain an asset register including any associated mapping.</p> <p>As the largest riparian landowner in Worcestershire with comprehensive records mostly compliant with these new obligations, RBC has been asked by WCC to promote this on their behalf for them. The records will need to be segregated into mandatory and non-mandatory ones, with emphasis placed on those areas affected in 2007 as initial priorities.</p> <p>The retention of the entire database will be the responsibility of WCC as LLFA.</p>
<p>The Group recommend that records of drainage maintenance carried out are also kept and routinely maintained and that, again, overall responsibility should rest with the County Council. [paragraph 7.20]</p>	<p><b>CC CMR:</b> We support this recommendation directly in relation to the Highways asset and working with our District Council partners to take a lead in coordinating broader drainage records management. The use of GIS in this for both the District and County Council's is vitally important.</p>	<p>See section 7.15 In addition, The County Council in partnership with its Term Maintenance Contractor for Highways 'Ringway Infrastructure Services', have developed a comprehensive GIS based Gulley/Jetting database, which will ensure we have location and maintenance records of every Highway Gulley in the County.</p> <p><b>WFDC:</b> We are considering mapping the drainage works that are carried out on private</p>

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		<p>sewers in those instances where the council gets involved. To map the drainage layout of private sewers would help clarifying future issues.</p> <p><b>RBC:</b> In relation to paragraphs 7.20 and 7.21, Redditch Borough Council is already fully compliant for the Council's watercourses as well as other areas where we are aware of them.</p>
<p>The Group recommend that the County Council, in collaboration with the District Councils, should consider maintaining an inventory of local equipment held by local farmers which could be used in alleviating flooding and drainage problems either during a flooding event or as part of recovery [paragraph 7.27]</p>	<p><b>CC CMR:</b> We support the spirit of this recommendation and my officers are already working through the Worcestershire Land Drainage Partnership (whose membership includes the National Farmers Union and other farming interests), to develop a Flooding and Drainage 'Resource' inventory, which will include local resources and equipment. Caution needs to be exercised however, as this recommendation should only relate to physical resources and not to people in view of potential liability issues.</p>	<p><b>WCC:</b> The Land Drainage Partnership is currently reviewing keeping an inventory of locally available equipment with Partners.</p> <p><b>MHDC:</b> Malvern Hills District Council's local Community Emergency Support Team plans incorporate the identification of local resources to assist in the event of flooding and its recovery.</p> <p><b>WFDC:</b> The inventory of local equipment and resources is part of the Community Emergency Plans.</p> <p><b>Redditch BC:</b> already has substantial, contracted, resources for dealing with emergencies. See 5.36 above. A system of 'sharing' with neighbouring authorities who may have lesser obligations is being considered under joint-procurement.</p>
<p>The Group recommend that the County and</p>	<p><b>CC CMR:</b> The County Council recently</p>	<p>Information on what grants are available have</p>

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<p>District Councils consider ways to improve advising both rural and urban householders of their drainage responsibilities, including details on the availability of grants as well as the consequences of non compliance. [paragraph 7.44]</p>	<p>published a major article on Flooding and Drainage issues in the 'WOW' magazine, a copy of which is circulated to the large majority of households in the County. Details of responsibilities for land drainage issues were included in this article, with contact details for obtaining the 'user friendly' Environment Agency leaflet 'Living on the Edge', which provides more detail on responsibilities for landowners and householders. We will also continue to work with the Worcestershire Land Drainage Partnership on more ways to improve the advice we and others provide on these issues and the availability of any grants.</p>	<p>been shared with all Councils, however it is up to each individual Council to establish whether or not their particular issue/community meet the criteria for such grants and where appropriate apply for those grants.</p> <p>Good practise has been shared and there has been considerable success across the County in attracting funding from a variety of funding streams.</p> <p>A Land Drainage Enforcement Protocol has been agreed by all Councils which has helped focus on land drainage issues and create a consistency in approach.</p>
<p>The Group recommend that the County and District Councils develop protocols for sharing appropriate staff resources during recovery work after emergencies where appropriate. [paragraph 8.35]</p>	<p><b>CC CMR:</b> The current Emergency Planning Memorandum of Agreement between the County Council and each District Council creates the setting for mutual aid arrangements when necessary. The County Council worked closely with our District Council Partners during the major floods in many ways to good effect. Specifically in relation to Drainage matters the County Council through the Worcestershire Land Drainage Partnership has enabled more effective joint working.</p>	<p>In place</p>
<p>The Group support the inclusion of developments with sustainable urban drainage systems in the Regional Spatial Strategy [paragraph 7.32]</p>		

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<p><b>PARISHES</b></p> <p>One of the issues raised in the Pitt Review was the need for a door knocking flood warning system at a local level<sup>1</sup>. Lists of vulnerable people should be kept along with named persons with responsibility for warning. We believe that parishes are best placed to carry out this kind of warning system in rural areas.</p> <p>The Group therefore recommend that such a system should be explored further and incorporated into parish emergency plans where appropriate. [paragraph 5.29]</p>	<p><b>CC CMR:</b> A pre flood warning system delivered to “at risk” local communities by local parish council volunteers would appear to be logical. However, caution needs to be exercised in respect of asking people to access potentially risky areas and situations. Therefore, I believe that alternative methods of raising community awareness such as the Environment Agency Floodline service and local policing should be considered in the first instance.</p>	<p><b>Joint DCs:</b> The Environment Agency is currently carrying out pilot work to define community engagement methodology relating to flood information.</p> <p>The Districts are completing Multi Agency Flood Plans which will, in part cover this. So far Wyre Forest, Malvern and Wychavon have signed off their MAFP’s and will shortly be testing them. Worcester City, Bromsgrove and Redditch are due to complete theirs by March 2011 as previously agreed due to the significant resources needed to undertake this work. Completion is now anticipated by the end of 2010.</p> <p><b>MHDC:</b> Malvern Hills District Council's Community Emergency Support Team arrangements with key parishes at risk of fluvial flooding include local arrangements to warn parishioners.</p> <p><b>WFDC:</b> Community Emergency Plans can provide the amount of detail needed regarding door knocking activities etc.</p> <p>Redditch BC: It has been proposed that the Worcestershire Multi-Agency Flood Plans, which all districts are completing, should be</p>

<sup>1</sup> Pitts recommendation 61 is that the Environment Agency should work with local responders to raise awareness in flood risk areas and identify a range of mechanisms to warn the public, particularly the vulnerable, in response to flooding.

RECOMMENDATION	RESPONSE	PROGRESS
		incorporated into the relevant Council Service Plan 2010/11
<p>In urban or non-parished areas, the possibility of existing neighbourhood watch areas taking on responsibility for warning the vulnerable should be considered. [paragraph 5.30]</p>		<p>See 5.29</p> <p><b>WFDC:</b> Community Emergency Plans can provide the amount of detail needed regarding door knocking activities etc.</p> <p><b>Redditch BC:</b> only contains one parish with whom it is already closely linked. It has been suggested that a similar system be evolved for 'districts' although the nature and roles have yet to be developed. This could supplement the required warning systems as suggested by 7.19 above.</p>
<p>The Group recommend that the County Council's Emergency Planning Team assists with the development of a blue print or toolkit, providing more than just a skeleton, for other parishes' emergency plans, with the aim of encouraging parishes to create their own emergency plans for use in appropriate circumstances. [paragraph 5.33]</p>	<p><b>CC CMR:</b> Wychavon and Wyre Forest District Councils have developed proposals for the development of local community parish level emergency plans. A pilot scheme run and funded by Wyre Forest District Council began recently and Wychavon DC has funded the development of local plans in some of the worst flood hit parishes. The Emergency Planning Unit will monitor the development of these plans and if they prove successful will work with other District authorities to establish similar arrangements.</p>	<p>The results of the work/proposals detailed in the Cabinet Member response, is due later this year. This will need to be compared to the National Government Community Resilience work being led by the Cabinet Office and for which official guidance is also due shortly.</p> <p><b>MHDC:</b> Malvern Hills District Council has put in place formal parish emergency plans with Longdon, Ripple, Upton, Kempsey, Powick, Lindridge, Bayton and Tenbury councils - which are now integrated with the Multi Agency Flood Plan for the District</p> <p><b>WFDC:</b> parishes are stimulated to produce their own Community Emergency Plans, both</p>

<b>RECOMMENDATION</b>	<b>RESPONSE</b>	<b>PROGRESS</b>
		by offering them support and by offering them a grant.