

# FLOODING MONITORING REPORT AND FUTURE OF THE FLOOD RISK ACTION GROUP

CABINET: 16 DECEMBER 2004

MEMBER REPORTING: COUNCILLOR MRS GLIKSTEN

## **1. PURPOSE OF REPORT**

To provide an update on flooding actions, pursuant to the Motion agreed by Council, and the future of the Flood Risk Action Group (FRAG) process.

## **2. MEMBER'S RECOMMENDATION: That the flooding actions and the Future of FRAG be noted.**

## **3. SUPPORTING INFORMATION**

### 3.1 Wards Affected

All Riverside wards in the Borough.

### 3.2 Relevant Matters Upon Which Decision is Based

3.2.1 Council, in June 2004, agreed the following Motion in relation to flooding: "That this Council, as proposed in the FRAG report, will undertake a program of action to help protect vulnerable residents from avoidable flooding risk. The action shall include, but not be limited to: a scheduled program of gully and ditch clearance for Council owned gullies and ditches, □□□□□a strategy for enforcement of riparian responsibilities for privately owned gullies and ditches, □□□□□co-operation with the Environment Agency to secure publication and establishment of maintenance regimes for non-Thames watercourses, and that Cabinet shall receive a quarterly monitoring report of these actions and others, especially those of the Environment Agency, taken to reduce flooding risk."

3.2.2 Members will recall, that following the publication of the FRAG report, the Council embarked on a number of actions in relation to improving the communication of flood risk, together with actions to help protect vulnerable residents from avoidable flooding risk. These actions have included the establishment of a web page on the Council's web site, and this gives detailed information on how the Council can help in times of flooding, details of the Council's sandbag policy, and important telephone numbers and contact details for both the Council and the Environment Agency. The web page also outlines that the Environment Agency are the responsible body for flood protection and issuing flood warnings, but that the Royal Borough do work with the Agency, the emergency services and local people to offer assistance when flooding takes place. The web page also encourages those residents who wish to consider their own flood defence preparations to contact the Environment Agency and contact details are provided.

3.2.3 The Council has also published its own flooding leaflet, which is designed to give people a better understanding of the causes of flooding, who is responsible for what in flooding situations, what steps people should take to protect property and possessions, and what

assistance can be reasonably expected from different agencies. This leaflet has been widely distributed. The Council has also contributed to a FRAG leaflet, a co-ordinated leaflet compiled by the 'partners' of FRAG, which provides detailed information on aspects of flooding, and again provides important contact details and who is responsible for what.

- 3.2.4 The Council is also actively promoting the Environment Agency's Automatic Voice Messaging Service, and encouraging residents to register with this service (as recommended by the FRAG report). This service automatically telephones people at risk of flooding who live in the floodplain to let them know that the Agency has issues a Flood Watch, Flood Warning, or a severe flood warning.
- 3.2.5 Additional tasks undertaken include continual liaison with Parish Councils and other affected communities. This has included establishing strategic storage and distribution of sandbags, the deployment of officers to patrol the Borough at strategic points along the river front during times of flood, and the preparation of traffic regulation and road closure plans in advance of any flooding. Co-ordination meetings have also been, and continue to be undertaken with the Environment Agency, local flood wardens and other groups to clarify roles, together with the establishment of a hotline for the reporting and monitoring of flooding.
- 3.2.6 Names and contact details of flood wardens has also been published so that residents in the area know who to contact. The Operations Unit also met regularly with flood wardens to review and discuss issues and procedures, and also with parishes to review and discuss the flood warden scheme. A leaflet on flood wardens has also been produced and distributed. A schedule of gully and ditch clearance for Council owned gullies and ditched is in existence, and is operated and continually monitored by the Operations Unit.
- 3.2.7 In relation to raising the awareness of flood risk, the Environment Agency launched its sixth annual Flood Awareness Campaign in October, 2004. The campaign will run for several months with a planned programme of activities to warn people of the growing risk of flooding in winter. The Campaign calls on people to get prepared during the critical months from September to April and the Agency are specifically targeting vulnerable groups like the elderly, with advice on what they can do to protect themselves from flooding. The Agency are also working to improve the coverage of their flood warning service, and local flood warning planning group meetings have taken place with local authority emergency planning officers and representatives from the Emergency Services and utility companies to discuss flood warning arrangements and improvements to the service.

#### Land Drainage Policy

- 3.2.8 The Council has also recently adopted a Land Drainage Enforcement Policy. Under the Land Drainage Act 1991, local authorities have permissive powers relating to flood prevention, maintaining flows in watercourses and the making of byelaws. The River Thames along with a number of other watercourses were termed "Main River" and the Environment Agency had permissive powers relating to these watercourses.
- 3.2.9 The Council has a direct responsibility for the Horton and Wraysbury Drains under the Enclosures Act 1799 and both of these watercourses have been surveyed during 2003 and 2004 and a programme of work to maintain them is currently taking place.

- 3.2.10 In addition, the Royal Borough also has riparian responsibility for small sections of a few other watercourses where the Borough is the adjoining land owner e.g. The Bourne Ditch adjacent to the allotments. These are regularly inspected and appropriate maintenance undertaken. Under the national Critical Ordinary Watercourses proposals, the majority of watercourses that the Council has direct responsibility for will transfer to the Environment Agency in 2006.
- 3.2.11 It is estimated that there are approximately 900 Kilometres of riparian owned watercourses in the Borough. The responsibility for the maintenance of these is with the property owner whose land abuts the watercourse. The landowner is under no common law duty to permit the free flow of water through their part of the watercourse. However there are permissive powers available to the Environment Agency and Local Authorities to require landowners to keep watercourses clear. In the past the Council have adopted a reactive response to land drainage problems. Officers have offered advice and mediation to riparian owners in cases where flooding has caused significant problems. Where problems have persisted and the riparian owners have not fulfilled their legal obligations the Council has liaised with the Environment Agency to encourage them to take action as they have wider ranging powers of enforcement.
- 3.2.12 In October 2004, Cabinet agreed to adopt a land drainage policy which set enforcement powers available to the Borough, and the criteria in which enforcement will be applied and the procedure for enforcing. It was agreed that the policy should be adopted over the use of byelaws as the byelaws would not provide any additional benefits in dealing with the identified problem of flooding, and the policy could also be immediately implemented whereas byelaws could be subject to a lengthy confirmation process.
- 3.2.13 Information on the policy has been made available through leaflets and is also on the Council's web site, including details of the relevant contact details for Officers, and an article has also appeared in 'Around The Royal Borough'. This information has also included details on how to obtain help and advice, and contact information for other relevant agencies. Information related to land drainage problems will also be held on a database within Operations Unit.

#### Meeting Held With Environment Agency To Discuss Jubilee River

- 3.2.14 The Council also convened a meeting in early November with senior officials of the Environment Agency, to which the Borough's riverside Ward Members, and representatives of both of the Community Support Groups (North and South) were invited. This meeting considered a variety of issues, but was primarily set up to receive information from the Environment Agency on their work in relation to the Jubilee River. The meeting received information in relation to the WS Atkins Review which had been commissioned by the Agency, and this concluded that the Jubilee River did not provide the capacity planned for by the Maidenhead, Windsor and Eton Flood Alleviation Scheme (MWEFAS) designers.
- 3.2.15 The meeting was informed that there were three contributory factors for this. Firstly, recalibration of the Lower Thames mathematical model, following the 2003 floods, revealed that levels in the River Thames downstream of the Jubilee River were higher than those originally modelled. Secondly, revised modelling techniques had resulted in increased estimates of head loss at some key structures along the Jubilee River channel, and thirdly, that aerial survey indicated that in some places the channel embankments had been

constructed to a lower level than that specified in the design. Atkins recommended further investigations and survey work be undertaken, particularly regarding the level of the river banks in certain places and further monitoring of flows whilst the scheme is being operated before determining the exact capacity. As a result, the Environment Agency are now conducting surveys prior to further works in the summer of 2005.

- 3.2.16 The meeting also noted that the Jubilee River suffered structural damage during the flooding and the Atkins report identified a number of issues around the design and construction, including the failure of one of the weirs, and the erosion of channel bed protection and some embankments. The Environment Agency reported that remedial work had been ongoing and further remedial works were underway and more planned for the future. It was emphasised by the Environment Agency at this meeting that the MWEFAS was safe to operate and that operating procedures for the scheme were being drafted.
- 3.2.17 Other issues discussed at this meeting included river management, the Lower Thames Strategy Phase 2, Flood Mapping, and the future of the FRAG (this is referred to further in paragraph 3.2.23 below). In relation to river management, the meeting noted the dredging works undertaken by the Environment Agency in the vicinity of Black Potts as part of their maintenance shoal dredging programme. It was noted at the meeting that dredging undertaken by the Agency between 1947-1995 no longer took place, and the Environment Agency reported on their work in relation to maintenance shoal dredging and highlighted their legal duty was to maintain the river for navigation. The meeting also noted that bank management was a riparian responsibility.
- 3.2.18 In relation to the Lower Thames Strategy Phase 2, the Environment Agency reported that work had commenced, and the objective was to develop a sufficient understanding of the problem at a strategic level so that a sound decision can be made on which options should be investigated further. The meeting noted that Phase 2 would represent a high level, or outline, Strategy Study for the Lower Thames, complementing the work currently being progressed as Part of the Thames Catchment Flood Management Plan, which would seek to determine the extent of the flood risk (Datchet to Teddington), seek to quantify the need for flood risk management, and to scope out the possible potential options to achieve this at a strategic level, not seek to evaluate options in detail or select a preferred option, and to embrace a high level Strategic Environmental Assessment as an environmental scoping exercise to be undertaken to identify key issues and constraints.
- 3.2.19 Phase 3 of the strategy, including its scope, would depend upon the outcome and findings of Phase 2, although the meeting noted that the key aim of Phase 3 would be to identify an achievable detailed strategy for long-term flood risk management for Datchet to Teddington.
- 3.2.20 The meeting also considered Flood Mapping and Flood Zones and received a brief presentation from the Environment Agency on these areas. Cabinet had considered a report at their meeting in August, 2004 on revised advice from the Environment Agency regarding the MWEFAS and the implications of the advice in terms of new flood zone maps for the whole of the Royal Borough. The Agency had advised the Royal Borough to revert to the pre MWEFAS situation, and that the 2004 Flood Zone Maps for the defended areas should be used as a whole for the Borough for development control purposes. The flood zone maps effectively replaced the Indicative Flood Plain Map, based on more recent data and modelling work. In de-adopting the MWEFAS post scheme map, and adopting the Agency's 2004 Flood Zone Maps, areas in the Borough that property owners thought were defended by

the MWEFAS were no longer defended and some areas in the Borough that property owners thought were not in an area liable to flood now fell within an area at risk of flooding.

- 3.2.21 The effect of this revised advice on planning permissions that had been granted for properties, which at the time of permission, were not within an area at risk of flooding, was discussed and the amount of hard work undertaken by the Team Leader for Strategy and Plans in the Council's Planning and Policy Unit and her team in identifying these permissions should be acknowledged. The Environment Agency had assisted the Council in working in this area, and also in relation to the number of planning appeals where the revised advice had resulted in a flooding objection. The meeting agreed that the Environment Agency should work with and assist the Council in writing and distributing letters to these applicants whose site status had changed since their planning permission had been obtained.

#### Public Meeting - Wraysbury

- 3.2.22 A public meeting in relation to flooding was also called by Wraysbury Parish Council and was held in Wraysbury Village Hall on 9 November, 2004. This meeting was attended by the Leader of the Council, together with the Council's Head of Operations, and several members of the Environment Agency, including the Area Manager for the area, also attended the meeting, which heard residents' concerns in relation to flooding.

#### The Future of the FRAG process

- 3.2.23 The November meeting referred to in paras 3.2.14 were disappointed to hear that, because of the personal attacks made upon him, neither Clive Onions, the independent Chairman of the FRAG, nor his employers, Arup, were prepared for him to continue as FRAG Chairman, despite the personal support for him expressed by most public and community bodies.
- 3.2.24 Clive had proposed that the FRAG process should continue under a new independent Chairman, but with a merger of FRAGs 1 and 2, ie those covering the Royal Borough and the river between the Royal Borough and Teddington.
- 3.2.25 The final meeting of FRAG 1 in the summer had expressed the view that there should continue to be separate FRAGs for the Royal Borough and the downstream area.

The November meeting discussed this and offered some thoughts about how a single FRAG, supported fully by community groups, could be acceptable to Royal Borough communities. Discussions are taking place with the EA to explore whether an appropriate model can be devised and it is hoped that an update will be available to be reported to Cabinet.

- 3.2.26 Clive Onions has called a joint meeting of FRAG 1 and 2 at Spelthorne on 13 December to wrap up the actions he had commissioned. The Royal Borough will be represented at the meeting and an update reported to Cabinet on 16 December.

#### 3.3 Relevant Council Policies/Strategies

None

4. CONSULTATION CARRIED OUT

None.

5. IMPLICATIONS

5.1 Financial, Planning and Legal

None arising from report.

5.2 Human Rights Act

Article 1 of the First Protocol – the protection of property – may be affected by the policy statement on sandbags. Any interference must be proportionate and in accordance with the law.

Background Papers: None