

REPORT TO CABINET

Title: **FLOOD MONITORING**

Date: **26 November 2009**

Member Reporting: **Councillor C Rayner**

Contact Officer(s): **David Perkins, Head of Streetcare & Operations**
Tel: 01628 686860

Wards Affected: **All**

1. SUMMARY

1.1 This report provides an update on actions taken in regard to flooding since the last Flood Monitoring Report at July 2009 Cabinet including:

- Details of the Environment Agency's consultation on the Lower Thames Flood Strategy and the Council's response.
- Thames Water's 5 year Business Plan.

And other specific flooding actions including:

- Progress on the creation of a Flood Group within the Community Partnership.
- The proposed Marlow Flood Alleviation Scheme.
- Update on the draft Floods & Water Management Bill.
- Progress on the implementation of the Pitt Report Recommendations.
- Details of funding and grants from Defra
- Update on progress of Capital Schemes
- Flood Maps

2. RECOMMENDATION:

- i) **That the Council's draft response to the Lower Thames Flood Strategy consultation (as set out in Appendix A) be agreed subject to further detailed comments delegated to the Lead Member for Highways and Streetcare in consultation with the Lead Member for Planning and Development to make further amendments to the Council's response following the receipt and review of comments from key consultees as set out in paragraph 3.1.1 of this report.**
- ii) **That approval is given for the Lead Member for Highways & Streetcare to write to Thames Water demanding an explanation as to why no flood alleviation works are contained in their 5 year Business Plan.**
- iii) **That the flooding actions as set out in paragraphs 3.3 - 3.9 be noted.**

What will be different for residents as a result of this decision?
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Residents will be made aware of the action taken by the Council to address flooding and the work being undertaken by the Council in conjunction with other agencies.

3. SUPPORTING INFORMATION

3.1 Lower Thames Flood Risk Management Strategy

- 3.1.1 The Environment Agency (EA) has published the Lower Thames Flood Risk Management Strategy for the Lower Thames from Datchet to Teddington (LTFS). The EA has undertaken a public consultation exercise including public exhibitions in Datchet on 23rd October 2009 and Wrybury on 27th October 2009. The closing date for the consultation is 4th December 2009. The Council has written to the Ward Members, Parish Councils, and key individuals in the riverside communities, regarding the LTFS consultation requesting that their comments are appended to its own formal response. A copy of the Strategy is available in the Members Room.
- 3.1.2 The EA's preferred strategy that is being developed encompasses a number of structural and non-structural elements including: floodplain management, diversion channels and community based protection measures (mainly in the lower reaches). The diversion channels are similar to the Jubilee River however the EA are keen to indicate that there will be greater emphasis on habitat creation and leisure. The proposed route is shown in Appendix B. Following the consultation it is envisaged that the EA will submit the strategy to the national review board. If approved, it will be submitted to DEFRA / Treasury in order to seek funding approval. A decision is anticipated in 2010.
- 3.1.3 Appendix A of this report sets out the Council's draft response to this consultation. In summary, it is noted that whilst the Council welcomes any flood alleviation measures to protect its riverside communities, it is concerned that the LTFS is likely to take over a decade to complete. Possible delays could include lengthy public enquiries and environmental impact assessments. In the meantime the Council is concerned about the lack of measures to reduce flooding within the Borough. The Council and residents are particularly concerned that mitigation works e.g. dredging or embanking, are not being undertaken in the interim period. The EA have suggested that if the scheme is not progressed as a whole, the section most affecting the Borough has the highest risk of being withdrawn. Furthermore, the Council is also concerned that there are no contingency plans to implement flood prevention measures in the event that the scheme does not progress.

3.2 Thames Water Business Plan

- 3.2.1 Thames Water has published their 5-year Business Plan. Despite numerous requests by the Council for alleviation works to be carried out in the Borough, there are no flood alleviation schemes included in the plan. A number of locations affected during the July 2007 floods were attributable to capacity problems in Thames Water's infrastructure e.g. Wootton Way. The Council is also disappointed that there are no plans to address the ongoing surcharging problems associated with Windsor's combined sewer system.

3.3 Flood Group

- 3.3.1 The July Cabinet gave approval for Flood Risk Management to be included within the remit of the Sustainable Environment Ambition Group of the Community Partnership. A dedicated Flood Group will be created within this framework and will meet quarterly and report into the Ambition Group.
- 3.3.2 The Lead Member for Highways & Streetcare will chair the Flood Group. The Group will also include Ward Councillors from Datchet, Bisham, Cookham and Old Windsor. The newly formed Parish Flood Group will have 4 representatives along with officers from the Council, the EA and Thames Water. It is anticipated that the inaugural meeting will be held in late November / early December.

3.4 Proposed Marlow Flood Alleviation Scheme

- 3.4.1 The EA have submitted plans to Wycombe District Council for the Marlow Flood Alleviation Scheme. Officers from the Council's Planning Department are liaising with Bisham and Cookham Parish Councils on this matter to assess the possible impact on their communities. Officers have written to Wycombe requesting that they take independent technical advice to ensure that the scheme would not have a detrimental impact on properties and residents in this Borough. The Royal Borough undertook this for the Cookham flood relief scheme in respect of Bourne End residents. The letter is in the form of a holding objection to the proposal while Wycombe considers this request.

3.5 Flood & Water Management Bill

- 3.5.1 Defra is intending to introduce the draft Flood & Water Management Bill in the Queens speech. It is not certain whether the final Bill will be shortened, and if so, what parts will be left out. The Local Government Association is developing a strategy to influence the Bill as it goes through Parliament. They will be publishing regular briefings at each stage on their website. A shortened version of the Bill may be put forward in order to comply with the European Floods Directive.
- 3.5.2 The issue of increased funding and resource requirements in order to comply with the Bill has yet to be addressed by the Government or Defra. To date no details on the results of the consultation have been published. A report prepared by the House of Commons Environment, Food and Rural Affairs Committee was very critical concluding that "DEFRA still has "a long way to go if it is to introduce into Parliament a comprehensive Flood and Water Management Bill. The current draft is a confusing mix of measures, many of them poorly drafted; a patchwork that seeks to address individual identified problems, rather than deriving from a coherent and comprehensive strategy to implement the vision set out in *Future Water*".

3.6 The Pitt Report

- 3.6.1 In December 2008 the Government published details of Sir Michael Pitt's review of the floods of 2007. This placed specific requirements upon Local Authorities, Local Resilience Forums and other Governmental departments. Defra has now requested an update on the actions thus far by the respective bodies. The update is to be submitted to Defra by December 2009. This Council supports the Pitt

recommendations and has already implemented a number of the recommendations and is progressing others. Appendix C is an extract of the recommendations that appertain to Local Authorities and shows the progress that the Council has made to date.

3.7 Funding & Grants

- 3.7.1 In August, as part of the Government's response to the Pitt Review, Ministers announced that £16m of funding would be made available to help Local Authorities to co-ordinate and lead local flood management work. The announcement indicated that £9.7m would be allocated to 77 Local Authorities for the preparation of Surface Water Management Plans in the areas considered to be at highest risk. In September, DEFRA published details of the methodology used to allocate the Surface Water Management Plan funding. Areas susceptible to surface water flooding were identified by the Environment Agency. Funding was then allocated, based on a combination of the estimated cost of developing a Surface Water Management Plan and the level of risk in the each area.
- 3.7.2 This Council was not allocated funding for the preparation of a Surface Water Management Plan. DEFRA has indicated that Local Authorities who have strong evidence to suggest that the methodology used has underestimated the risk in their area should notify them by 30th October 2009. Officers have made this representation.
- 3.7.3 The £16m of funding announced includes an allocation of £5m for early actions to tackle local flood risk. Local Authorities are able to bid for individual works or studies with a value between £20k and £100k. These are expected to be "quick wins" in the management and alleviation of local flood risk. Priority will be given to locations that are not receiving funding for the preparation of a Surface Water Management Plan. The criteria for bids for funding for early actions were published by DEFRA on 6th October. Officers are currently assessing possible bids.
- 3.7.4 The final £1m of funding announced on the 18th August was aimed at building skills and capacity within Local Authorities. This will include the provision of training, guidance and support tools to help Local Authorities deliver their new roles and responsibilities.
- 3.7.5 DEFRA has just announced the second round of funding for property level flood defence measures (resistance and resilience). Officers are currently assessing possible bids.

3.8 Capital Schemes: Highway Drainage

- 3.8.1 The Council has recently completed a scheme at the junction of Plough Lane and Mire Lane in Waltham St Lawrence that will alleviate flooding of the highway and habitable property at this location. Works are currently being undertaken in Haddon Road and Wootton Way, in Maidenhead. While there are still known capacity issues within the Thames Water sewer systems in this area, these works should help alleviate flooding of the highway and habitable properties. Further works will be undertaken in Wavell Road, Westfield Road, and Highway Avenue in Maidenhead,

Chobham Road in Ascot and Hatch Gate Lane in Warren Row. It is anticipated that all of these schemes will be completed within this financial year.

3.9 Flood Maps

3.9.1 The EA has now provided the Council with the September 2009 update of the Flood Map for England and Wales. This is the dataset, which defines the extent of Flood Zone 3, Flood Zone 2 and the Historic Flood Map. A review of the datasets has revealed no changes over previous versions. In addition, data on areas which are susceptible to surface water flooding has also been provided. The Environment Agency advises that these only provide a general indication of areas that may be more likely to suffer from surface water flooding.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	Do nothing	Failure to engage with the EA on behalf of the community in response to the Lower Thames Strategy.	Revenue: None as EA responsibility. Capital: None as EA responsibility.
2.	Approve the recommendations contained in this report.	Provide comments to the EA on the Lower Thames Strategy	Revenue: None as EA responsibility. Capital: None as EA responsibility.

4.2 Risk assessment

4.2.1 In relation to the draft Bill, when it is implemented, the Council will be obliged to carry out further statutory functions in relation to flooding. The additional duty will place financial burdens upon the Council. Without any additional Government funding it is likely that the Council will be unable to fulfil these new statutory duties.

5. CONSULTATIONS CARRIED OUT

5.1 Ward Members, Parish Councils and Key individuals in the riverside communities have been consulted on the EA's proposals for the Lower Thames Flood Strategy.

6. COMMENTS FROM OVERVIEW AND SCRUTINY PANEL

6.1 To be added following the Planning & Environment Overview & Scrutiny Panel Meeting on 10th November 2009.

7. IMPLICATIONS

The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	✓	✓	✓

Background Papers:

Draft Floods & Water Management Bill 2009

The Pitt Review 2007

The Lower Thames Flood Risk Management Strategy – Consultation document 2009

Appendix A

Lower Thames Strategy – DRAFT COMMENTS

7 key questions are posed in the consultation, as indicated below with the Council's recommended response:

1 Do you agree with our proposals for flood diversion channels in Reach 3?

3 separate but consecutive new flood diversion channels between Datchet and Shepperton are proposed in the Strategy. Channel 1 corridor runs from Datchet to Hythe End.

In principle, the Council supports appropriate comprehensive flood risk management measures within or affecting the Royal Borough of Windsor and Maidenhead that are proposed by the Environment Agency. This would include the proposals for Channel 1 in Reach 3 of the Lower Thames Strategy Study. However, the SEA, that supports the Strategy document has raised a number of planning matters which are of concern to the Council, for instance:

- *Impact on undisturbed areas of gravel and areas of historic landfill in terms of:*
- *potential archaeological remains*
- *impact of landfill on groundwater, local ecology. It is also unclear how material will be removed from the area and where it will be transported. The EA should also be aware of weight restrictions on highway structures and a 7.5ton cordon in the locality of Channel 1.*
- *Further assessment of the impact on landscape quality and character will need to be undertaken. The EA should also be aware of the RBWM Landscape Character Assessment SPG (2004) and of the Council's desire to maximise landscape improvements in the Hythe End area (Policy N3 of the Adopted Local Plan).*
- *Impact of the Channel on existing local recreation associated with the water bodies and the desire for improved enhancements to these recreation opportunities (angling, boating etc) in addition to public rights of way.*
- *Impact of the Channel on the South West London Water bodies SPA, Ramsar and SSSI in terms of the mixing of water quality, species, higher nutrient concentrations, impact on bird populations. The Council notes from the accompanying SEA that Natural England in the Stage 3 Appropriate Assessment (AA) of the Strategy concludes that the Strategy will not adversely affect the integrity of the SPA/Ramsar site (due to the imposition of conditions or restrictions on the way in which the Strategy is implemented). The Council also notes that the process outlined in the framework of mitigation for the strategy has been agreed with Natural England. However the SEA also notes that not enough information has been gathered at this stage to assess what the full impacts on the designated bird species may be. Thus the Council recognises that a project level AA will be required and agreed by Natural England.*
- *Impact of the Channel on heritage assets*
- *Impact of potential bird strike of a detailed scheme for Channel 1.*

It is also noted that the SEA should make clear reference to RBWM local development policy implications of Channel 1.

Thus these matters need further investigation with the EA before any detailed scheme for Channel 1 is progressed in addition to consultation with Natural England, RSPB, the Council's Archaeological Consultants and the Council's Ecological Consultant as appropriate.

Should a planning application be submitted for the Channel, the Planning Authority would consider the proposal on its own merits taking into account all information submitted with a planning application. The EA is also advised that the scheme would require an EIA. As there is likely to be a requirement for an Environment Statement, which will be prepared under the requirements of the Town and Country Planning (Environment Impact Assessment) Regulations 1999, any planning application should also include surveys and assessments in relation to the implications of the proposal on:

- *Flood risk*
- *Ecology*
- *Archaeology*
- *Landscape*
- *Construction impacts (including noise, dust etc)*
- *A traffic impact assessment*
- *Historical/cultural assets.*
- *Pollution impacts/contamination*

2 If Government funding was found to be severely limited, would you be happy if only part of the strategy, for example only channels 2 and 3, was implemented?

No. Funding the construction of Channels 2 and 3 would not benefit the residents of the Royal Borough.

3 Do you agree with our proposals for floodplain management in Reaches 3 and 4?

The floodplain management proposals for Reach 3 include: increasing public awareness; increase flood storage in upstream tributaries; community based measures (may include financial support for individual and community based flood prevention initiatives (e.g. temporary defences; flood resistance schemes); floodplain management tools (e.g. interactive flood mapping tools, new procedures to guide and promote sustainable development and effective community evacuation plans); safeguarding flood flow routes.

The Council supports all of these measures, particularly where more can be done to protect people and property at risk of flooding in the Royal Borough.

4 Do you agree with our proposals for engineering works in Reach 4?

In principle the Council supports the engineering works in Reach 4, however it is noted that Reach 4 falls outside the Royal Borough and as such the works proposed will not directly benefit the residents of the Royal Borough.

5 Do you know of any other potential impacts we have not considered on page 19?

Refer to the Council's response to Question 1. In addition:

- *The EA has not indicated whether it wishes the Council to ‘safeguard’ the route of Channel 1 through the LDF.*
- *What flood measure can be implemented by the EA for Datchet, Horton and Wraysbury prior to the Route (if approved) being constructed? (Note – no specific community based protection measures are included for RBWM in the Strategy.)*

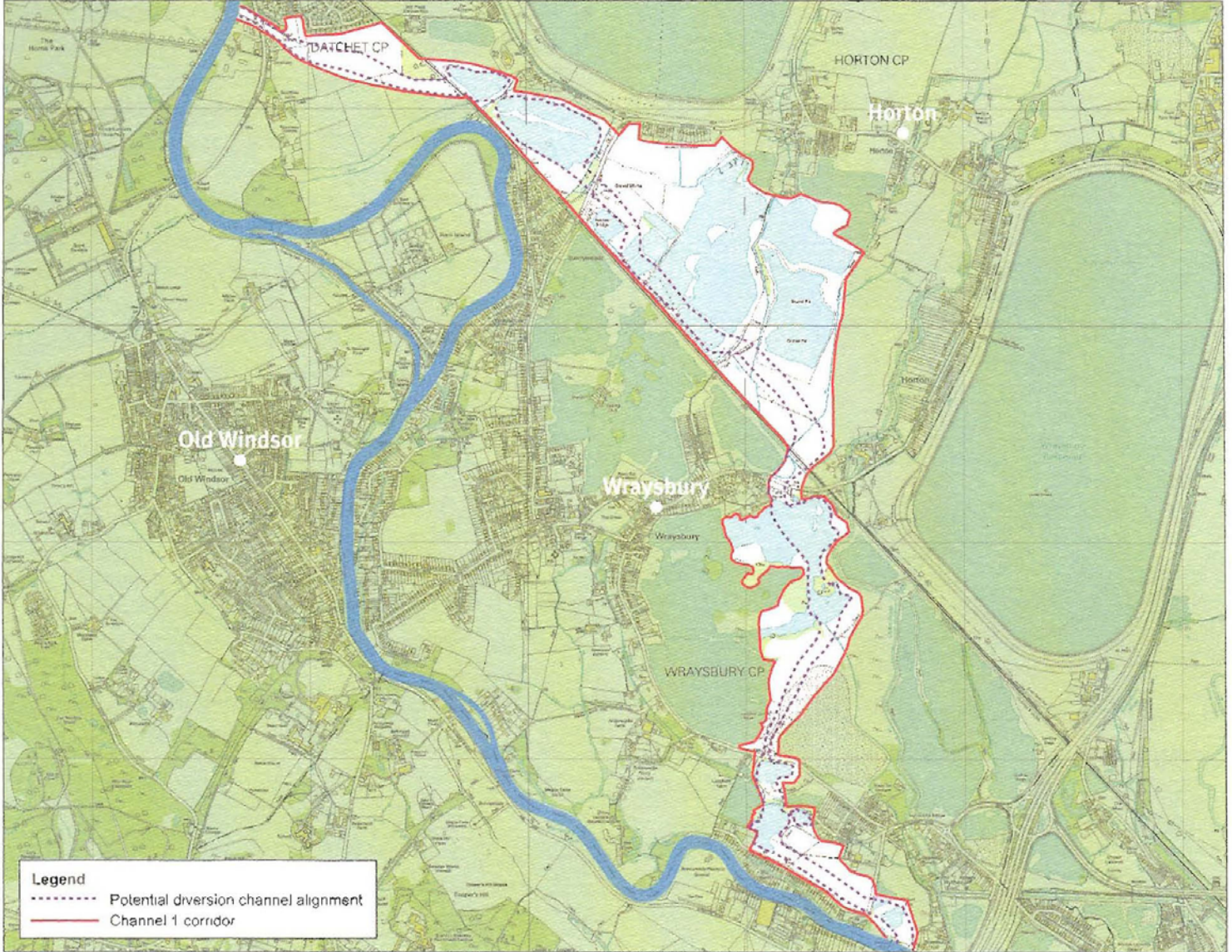
6 Do you have any suggestions for other benefits the strategy could provide for your local area?

Careful consideration must be given to the impact of possible delays to the implementation of the scheme and in particular the construction of Channel 1 (including lengthy public enquiries and environmental impact assessments). The Council is concerned about the lack of measures to reduce flooding within the Borough. The Council and residents are particularly concerned that mitigation works are not being undertaken in the interim period. Furthermore, the Council is also concerned that there are no contingency plans to implement flood prevention measures in the event that the scheme does not progress.

7 Are there any groups or organisations that we should be talking to?

Wraysbury Parish Council; Horton Parish Council, Datchet Parish Council; Hythe End Action Team; Wraysbury Village Trust; Datchet Village Society; Local Flood Forums, Thames Water and Network Rail.

Appendix B Lower Thames Strategy Proposed Route



Pitt Recommendations for which Local Authorities have a leading or implementing role

APPENDIX C

Rec No:	Recommendation	Action	Status
13	Local Authorities, in discharging their responsibilities under the Civil Contingencies Act 2004 to promote business continuity, should encourage the take-up of property flood resistance and resilience by businesses.	Organised Flood Road Show Autumn 2008. Flood awareness and BCP training for local businesses and interested local partners undertaken.	
14	Local authorities should lead on the management of local flood risk, with the support of the relevant organisations.	Flood Group formed within the Community Partnership.	
15	Local authorities should positively tackle local problems of flooding by working with all relevant parties, establishing ownership and legal responsibility.	See 14.	
16	Local authorities should collate and map the main flood risk management and drainage assets (over and underground), including a record of their ownership and condition.	As an unfunded addition requirement insufficient government funding means that only limited actions can only be progressed within existing resources.	
17	All relevant organisations should have a duty to share information and cooperate with local authorities and the Environment Agency to facilitate the management of flood risk.	There continues to be some reluctance from utility companies. To share commercially sensitive information. Positive sharing in place with other agencies.	
18	Local Surface Water Management Plans, as set out under PPS25 and coordinated by local authorities, should provide the basis for managing all local flood risk	Awaiting outcome of the Councils bid for grant funding to develop SWMP's.	
19	Local authorities should assess and, if appropriate, enhance their technical capabilities to deliver a wide range of responsibilities in relation to local flood risk management.	As an unfunded addition requirement insufficient government funding means that only limited actions can only be progressed within existing resources.	
38	Local authorities should establish mutual aid agreements in accordance with the guidance currently being prepared by the Local Government Association and the Cabinet Office.	Berkshire wide MOU in operation.	
41	Upper tier local authorities should be the lead responders in relation to multi-agency planning for severe weather emergencies at the local level and for triggering multi-agency arrangements in response to severe weather warnings and local impact assessments	Berkshire EP already has multi agency planning, coordination and liaison structure in place	
66	Local authority contact centres should take the lead in dealing with general enquiries from the public during and after major flooding, redirecting calls to other organisations when appropriate.	CSC has protocols in place for dealing with flood related issues, integration with the EOC and the dissemination of information	
68	Council leaders and chief executives should play a prominent role in public reassurance and advice through the local media during a flooding emergency, as part of a coordinated effort overseen by Gold Commanders	Council has media protocols in place for dealing with flood related issues, integration with the EOC and the dissemination of information.	
81	There should be an agreed framework, including definitions and timescales, for local central recovery reporting.	Work in Progress	
90	All upper tier local authorities should establish Overview and Scrutiny Committees to review work by public sector bodies and essential service providers in order to manage flood risk, underpinned by a legal requirement to cooperate	Regular Flood Monitoring reports submitted to Cabinet.	
91	Each Overview and Scrutiny Committee should prepare an annual summary of actions taken locally to manage flood risk and implement this Review, and these reports should be public and reviewed by Government Offices and the Environment Agency	See 90	