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**Overview and Scrutiny
Committee**

Tuesday, 22 February 2022

Subject: Managing flood risk in West Lindsey

Report by:

Assistant Director of Commercial and Operational Services

Contact Officer:

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Purpose / Summary:

To develop our working arrangements to align strategic planning, development management and our operational response to the management of flood risk.

RECOMMENDATION(S):

- 1. That Overview and Scrutiny Committee recommends to Prosperous Communities Committee the establishment of an officer-led Flood Group and also a Members Flooding Working Group.**
- 2. Subject to the approval of Recommendation 1 by the Prosperous Communities Committee, the Chairs of Overview and Scrutiny and Prosperous Communities Committees, in consultation with the Assistant Director for Commercial and Operational Services agree the composition of the Member Flood Risk Working Group**
- 3. Subject to the approval of Recommendations 1 and 2 by the Prosperous Communities Committee, that Overview and Scrutiny Committee receives a twice yearly report from the Flood Group regarding flood events, current flood risk and ongoing work in this area.**

IMPLICATIONS

Legal: The report acknowledges the Council is fulfilling its statutory duties. However, the actions identified should enable improvement in the identification and discharging of these duties, in collaboration with partners.

Financial :

Staffing : There are no staffing implications resulting from this report.

Equality and Diversity including Human Rights :

The impacts of the Flood Group are likely to be positive. All residents in flood risk prone areas, including the vulnerable, will benefit from improved knowledge about flood risk, efforts to involve communities in the process of identifying flood risk solutions and closer working between services and communities. The Group will help to ensure that those with protected characteristics are more fully considered during flood risk management

Data Protection Implications : All data used in this area will be treated using the Council's established Data Protection Policy and procedures.

Climate Related Risks and Opportunities: It is well documented that future climate changes will increase flood risk in future years. Making preparations now, to pro-actively and strategically work with internal and external partners will better prepare the District for future events.

Section 17 Crime and Disorder Considerations: None

Health Implications: There is strong evidence that stress levels and mental health are impacted by flooding issues and the perception of flooding issues. Ongoing work with partners to resolve flooding issues and risk could have a positive impact on resident's mental wellbeing.

Title and Location of any Background Papers used in the preparation of this report :

<https://www.lincolnshire.gov.uk/downloads/file/2365/joint-lincolnshire-flood-risk-and-water-management-partnership-framework-draft-strategy-2019-2050-pdf>

Risk Assessment :

Failure to co-ordinate work in this area, both internally and with external partners, could result in increased impact from future flooding events. There is also a risk to the Council's reputation if it fails to demonstrate a pro-active approach in this work area.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

x

No

Executive Summary

National statistics indicate one in six properties in England are at risk of flooding from rivers, sea and surface water, with many others susceptible to various sources of flooding. This number is only set to increase due to climate change, increasing the need and urgency for Councils and other Flood Risk Management bodies to put in place proportionate arrangements to deal with the increasing demand.

This report will set out current work being undertaken and propose a more formal method of providing officers and Members with adequate oversight of the current and future risk.

This new method will bring together the current work, both operational and strategic, into one formal area. A new officer-led Flood Group will be formed and report to Management Team, similar to other working group arrangements. Feeding into the group will be a strategic Member Working Group comprising of Members who represent the authority on external flood-related bodies. Ultimately, reassurance in this area will be provided to the wider Member cohort through a twice-yearly report to the Overview and Scrutiny Committee.

The report outlines how officer and Member attendance at external forums will not only ensure the Council fulfils its legislative duty, but also achieve a flow of consistent and credible information onwards to the Flood Group

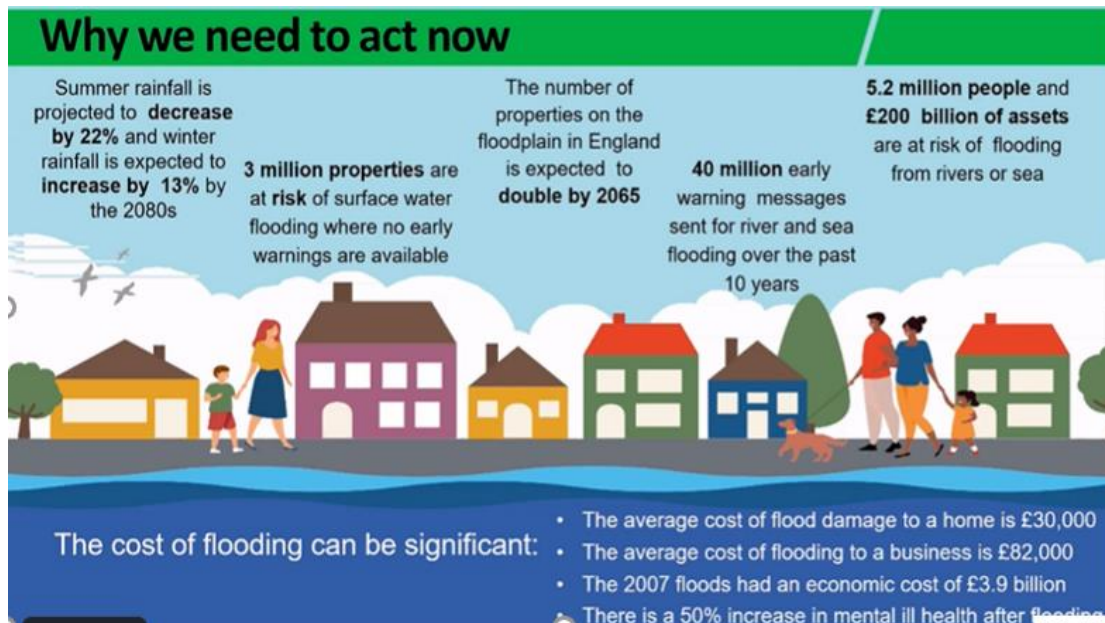
The report also acknowledges the need to communicate the Council's strategies and preparedness to our residents in order to support them to adequately protect their properties.

It should be noted that the Flood Group is not a reactive body; existing arrangements for minor and major flooding incidents, alongside other partners via the Lincolnshire Resilience Forum are deemed adequate.

If approved, the recommendations will help further prepare and protect our residents against the short and long term risks from surface water and fluvial flooding.

1 Introduction

- 1.1 Incidents of flooding have increased in recent years in West Lindsey, this is due to numerous environmental and physical factors. The most recent example of this was in November 2019, when over seventy properties suffered internal flooding and there was a major breach of Barlings Eau, a tributary of the River Witham.
- 1.2 It is also well documented that the risk of future flooding is increasing and unlikely to go away. The infographic below is based on nationally generated predictions and demonstrates why organisations need to be better prepared in future times for flooding events.



- 1.3 The Council, alongside other public bodies, has responsibilities in legislation as a Risk Management Authority to develop, maintain, apply and monitor a Local Flood Risk Management Strategy (see link above), which must be consistent with the Environment Agency's National Flood and Coastal Erosion Risk Management Strategy.

The Risk Management Authorities are:

- Lincolnshire County Council, as the Lead Local Flood Authority (LLFA)
- The Environment Agency
- The fourteen Internal Drainage Boards operating in Lincolnshire
- The seven District Councils in Lincolnshire
- The two water and sewerage companies operating in Lincolnshire

- 1.4 Whilst the Council fulfils its legislative responsibilities, there is a lack of cohesion with the prevention of, and response to, flooding.

- 1.5 Internally, officers in Strategic Planning, Development Management, Enforcement and Operational Services all have responsibilities regarding flooding. However, there is little co-ordination of this work

apart from recording on the Council's work programming database, Flare.

- 1.6 Externally, both Officers and Members attend various Boards to deal with flooding issues, both strategically and as a response.
- 1.7 Given the increased focus on flooding, it is proportionate to propose a refreshed, more synergised approach to the work area.

2. Current Internal Approach

2.1 Strategic Planning

Humber 2100+ Partnership

The Humber 2100+ Partnership is made up of twelve local authorities from around the Humber and the Environment Agency, with support from other groups such as the Local Enterprise Partnerships, the Internal Drainage Boards and Natural England. Together the partnership are working to develop a new Humber Flood Risk Management Strategy which will set the direction for managing tidal flood risk arising from the River Humber for the next 100 years supporting the sustainable development of a prosperous Humber. Both the River Trent and the River Ancholme are affected by the risk of tidal flooding from the Humber.

The Humber 2100+ partnership has an established governance structure which includes an officer working group, a programme board and an elected Member board. WLDC have representation across this structure.

The current work of the Humber 2100+ partnership is focused on development of the evidence base and agreement of the governance structure.

Central Lincolnshire Local Plan (CLLP)

National Planning Policy Framework (NPPF) (updated February 2019) places a duty on local authorities to develop, maintain and regularly update a Local Plan. The Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) has responsibility for developing, implementing and monitoring a Local Plan that covers West Lindsey, City of Lincoln and North Kesteven. Lincolnshire County Council are a partner on the CLJSPC.

WLDC are represented on the CLJSPC by three elected Members and the committee is supported by a strategic and officer group.

In accordance with the NPPF and supporting technical guidance, the Local Plan seeks to ensure that development does not place itself or others at increased risk of flooding. In allocating sites for development within the Local Plan, a Strategic Flood Risk Assessment level 1 and level 2 must be undertaken to inform the process.

The current CLLP through Policy LP14 sets out Central Lincolnshire's approach to managing flood risk from development proposals. Whilst the CLLP is under review, the draft replacement Plan proposes to incorporate policies for Flood Risk and Water Resources (policy S20 of the June 2021 Consultation Draft of the Central Lincolnshire Local Plan).

2.2 Development Management

Planning for climate change, including taking "full account of flood risk and coastal change" is a requirement of the planning system. The approach, set out in national policy is that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

A sequential test is engaged, with the aim to steer new developments to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed.

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

(b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

(c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

(d) any residual risk can be safely managed; and

(e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

2.3 Enforcement

The Council have various roles in relation to the enforcement of flooding related matters. Where a development has had specific conditions placed upon it through the planning process that have not been delivered, the Council may consider enforcement action to address these matters. Any decision to address a specific issue would be done in line with the Council's current policy relating to planning enforcement.

Alongside this, in relation to drainage, the Council's role is to ensure that the people who are legally responsible for remedying a defective drainage system take the appropriate action within a reasonable time period which in turn ensures the protection of public health. This is outlined in the Council's Environmental Protection Policy.

Local Authorities are given powers to address public health problems arising from blocked or otherwise defective private drains and private sewers. These powers extend to problems arising from cesspools and septic tanks. The principal powers that local authorities have to address drainage problems are:

- The power to require the unblocking of private drains or sewers.
- The Public Health Act 1961 Section 17(3).
- The Local Government (Miscellaneous Provisions) Act (LG (MP)) 1976 Section 35.
- The power to require the repair of private drains or sewers
- The Public Health Act 1961 Section 17 • The Building Act (BA) 1984 Section 59

There are no enforcement powers that the Council have available to retrospectively deal with a flood event, other than if they fall into the two areas above.

2.4 Operational Services

Operational Services have traditionally provided an out of hours response to flooding incidents by delivering sandbags. There has been much debate in recent years around which body is responsible for delivering sandbags to residents, LCC are currently seeking to get sign off from District Councils to a revised approach for low level incidents, led by their Highways function with support from Districts when required. Larger incidents are dealt with via a mature Lincolnshire Resilience Forum response.

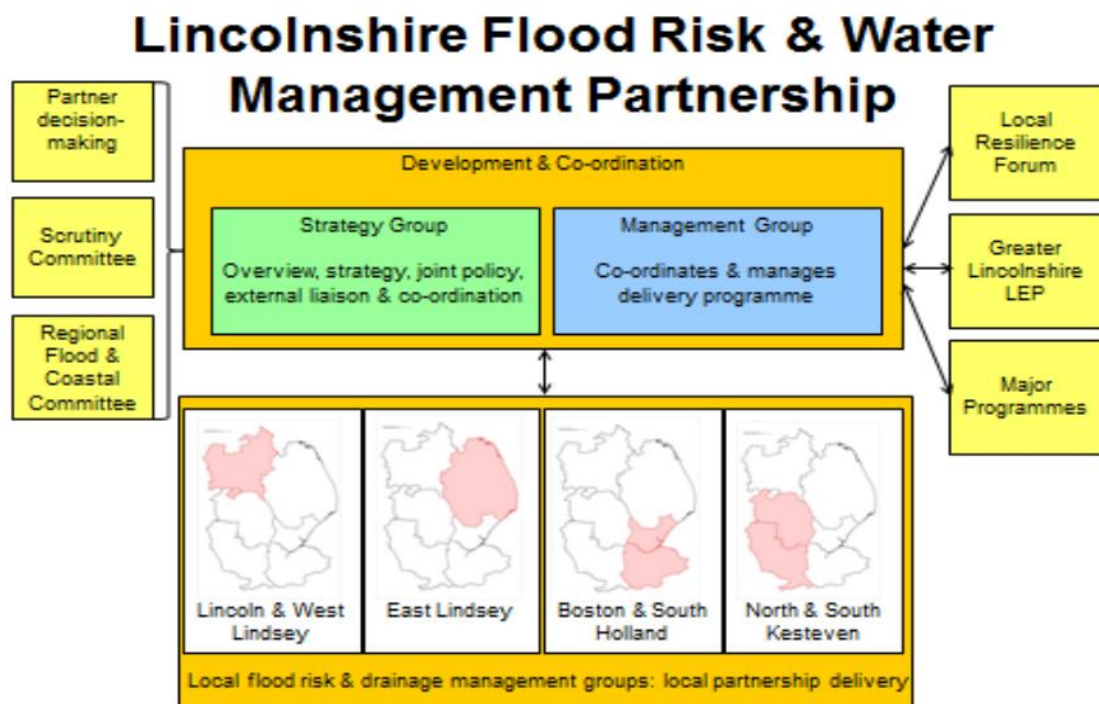
3. Current External Approach

3.1 Figure 1 below describes the key governance functions of the Lincolnshire Flood Risk and Water Management Partnership. It accompanies the Joint Lincolnshire Flood Risk and Drainage Management Strategy, and describes the mechanisms that the Partnership will use to develop and coordinate the objectives and actions defined in the Strategy. This includes how individual

partner organisations will engage with the partnership, and how decision-making, accountability and delivery will be ensured.

3.2 This partnership provides co-ordinated management and delivery of flood risk and drainage functions of all relevant organisations across Lincolnshire. It also co-ordinates and manages the vital contribution that is made to promoting sustainable growth through the Greater Lincolnshire LEP, and the development of long term strategic solutions to water resource provision. The partnership seeks to undertake its role in a way that is tailored to the geographical, social, economic and environmental characteristics of Lincolnshire, within the broader framework of national policy and regional growth and environmental opportunities. Its purpose is to ensure that local communities, businesses and infrastructure are better protected from flood risk, that improved resilience towards flood risk is built into all aspects of planning and service provision in the future, and that effective management of these risks supports the county's aspirations for future growth.

Figure 1 Lincolnshire Flood Risk and Water Management Partnership



3.3 Currently, there is officer representation on the Lincoln and West Lindsey Flood Risk and Drainage Board and the Lincolnshire Flood Risk and Water Management Group, these forums meet quarterly.

3.4 Officers are also part of the Lincolnshire Resilience Forum and the Greater Lincolnshire Local Enterprise Partnership

3.5 There is Member representation on various Internal Drainage Boards and on the Strategy Group and Scrutiny Committee portrayed at Figure 1 above. The Strategy Group is jointly made up of senior officers and elected Members, with district authorities having two executive councillors and two senior officers on behalf of all seven. This is currently comprised of representation from Boston

Borough and East Lindsey. The Scrutiny Committee is LCC's Flood and Water Management Scrutiny Committee, which meets quarterly and consists of voting members from Lincolnshire County Council and the seven district councils. Cllr Bunney sits on this Committee as County Councillor in the West Lindsey area and Cllr Fleetwood is the WLDC representative.

4. Other Work

4.1 As flooding issues have become increasingly prevalent, officers have been undertaking other work in order to ensure residents' concerns are addressed.

4.2 This has involved taking an 'influencing' stance, where there is a role for the statutory bodies to work together to find solutions to specific issues. There are numerous examples of this, including at locations in Scothern and Langworth, where the Council have brought together key stakeholders, including elected Members, to attend site meetings and discuss solutions together. These meetings are attended by appropriate bodies depending on the specific issue, but can include the Environment Agency, Internal Drainage Boards, Severn Trent, Anglian Water and Lincolnshire County Council as the Lead Local Flood Authority. Meetings also include relevant officers from internal departments including Development Management, Enforcement and Building Control. The Council has facilitated these meetings and outcomes have been generally positive.

4.3 In a similar vein, officers have attended ad-hoc forums within the District to ensure they retain a strategic overview of all activity pertaining to flood risk. One prominent example of this has been the flooding sub-group of the Parish Council at Scotter. The River Eau has increasingly flooded in recent years and numerous properties within the area have been repeatedly internally flooded. The sub-group is seeking ways to minimise this risk in future, considering both upstream and downstream solutions.

4.4 Following the flooding incident in November 2019, MHCLG (as it was then) nominated district councils to distribute Community Recovery Grants (CRG), these were worth £500 per household and available to any property which had suffered internal flooding to help with immediate recovery. The Council distributed CRG's to the value of £13,500 across 27 households. . The Council was also nominated to distribute Property Flood Resilience (PFR) scheme funding, these were grants of up to £5,000 per property which could be used to protect properties against future flooding, for example by installing flood barriers, non-return valves, etc. In total, the Council distributed £69,858.65 of PFR funding towards total resilience works valued at over £97,000.00. .

4.5 There are a number of properties which have either been internally flooded or have had near misses which either don't qualify for a Section 19 flood investigations undertaken by the LLFA, or the investigation doesn't find an easy solution to the risk of flooding. The Council keeps a list of these properties and meets on a six-weekly basis with the LLFA, with a view to making progress on the issues.

4.6 Flood risk is an important part of the Council's Carbon Management Policy.

5. Current Reality

5.1 The regime outlined above does ensure that each Risk Management Authority is undertaking their statutory duties. Progress has been made in recent months and years to bring work together and embrace a more collaborative approach to flood risk management.

5.2 The analysis above demonstrates just how much work is going on by officers dealing with flood risk, this has increased significantly in recent times and is unlikely to reduce.

5.3 Whilst this work is admirable and helps protect our residents, there is an element of this work happening in isolation. It is important for all internal partners to have a clear understanding of what each other is doing and where it is being reported.

5.4 There is also a need for closer links to Members who may sit on Internal Drainage Boards or other strategic forums, who have no formal way of filtering information through the organisation.

5.5 Finally, there is benefit to supplying regular and consistent information to residents through a range of platforms.

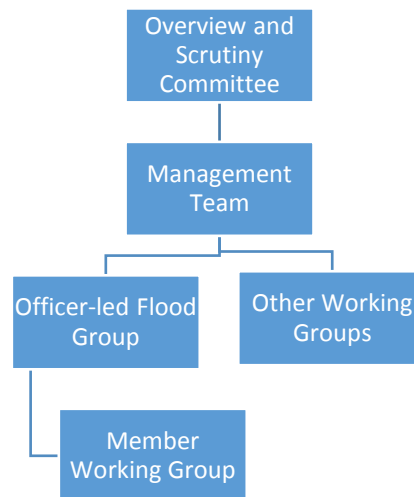
6. Proposal

6.1 It is proposed that the Assistant Director of Commercial and Operational Services leads for the authority on flood risk management, this would be proportionate with the postholder's portfolio including Emergency Planning.

6.2 As such, that Assistant Director or a deputy will represent the authority at the Lincoln and West Lindsey Flood Risk and Drainage Board and the Lincolnshire Flood Risk and Water Management Group. Other officers will also be enabled to attend should there be business which concerns their work area.

6.3 A new officer-led 'Flood Group' will be formed which will gain oversight of all work undertaken in this area. The Group would slot in alongside the other working parties and report to Management Team as demonstrated in Figure 2 below.

Figure 2 Proposed Flood Group Structure and Reporting



6.4 The Flood Group would have formal Terms of Reference

6.5 The Flood Group would be chaired by the Assistant Director for Commercial and Operational Services. Membership would be representatives from Development Management, Enforcement, Operational Services, Strategic Planning, Communications and the Planning and Strategy Officer for Climate and Environment.

6.6 An important part of the work area is to ensure Members feed into the flow of information and also receive reassurance that the Council is fulfilling its legislative and ethical duty to protect its residents.

6.7 To this end, the Chair of the Flood Group will engage with the Members who sit in formal external flood related forums and the Member with responsibility for Climate and the Environment, via a member working group.

6.8 In addition, the Flood Group will provide Overview and Scrutiny Committee with a twice-yearly report on work undertaken and current flood risk status.