

Update on Flood and Water Management Bill

Summary

This item will provide an update on the proposed Flood and Water Management Bill and on LGA policy work on Flood Risk Management.

Recommendations

Members are asked to identify any fire related matters which should be included in the LGA's lobbying position or amendments on the Bill

Members are asked to consider whether to nominate a member of the Committee to sit on the new LGA Inland Flood Risk Management Group.

Action

Officers to take forward any actions.

Contact Officer: Vanessa Goodchild-Bradley

Phone No: 02076643291

Email: vanessa.goodchildbradley@lga.gov.uk

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Introduction

1. The 2007 floods affected over 50,000 properties and in most cases were caused by surface water flooding as drains were overwhelmed by sudden, extreme rainfall. This is likely to become more frequent with climate change.
2. One in six properties - 5.5m properties in England and Wales - are currently at risk of flooding (4m from surface water flooding). The Environment Agency (EA) estimate that even if spending on flood defence was doubled to over £1bn pa by 2035, no more properties would be protected from flooding than at present. This means that resilience to all types of flooding will become more urgent with the twin pressures of climate change and population growth.

Background

3. The Pitt Report into the 2007 floods made 92 recommendations for local authorities, Fire and Rescue Authorities, local resilience forums, EA, government and others. The LGA supported the Pitt Recommendations. These included:
 - A new lead role for local authorities in managing local flood risk
 - Local Resilience Forums, which include FRAs, to assess effectiveness of their emergency response
 - Recommendations on emergency planning and reservoir safety, including FRAs
 - To urgently put in place a fully funded national capability for flood rescue, with Fire and Rescue Authorities playing a leading role, underpinned, as necessary, by a statutory duty.
4. The Pitt recommendations will be given legal status in a proposed Flood and Water Management Bill. If the Bill is not introduced or does not succeed, the main recommendations will still be taken forward, although progress may be hampered, e.g. there will be no legal duty on water companies and others to co-operate with local partners in managing local flood risk.
5. Local authorities, FRAs and their partners will continue to progress with Strategic Flood Risk Assessments and Surface Water Management Plans. These will give a greater understanding of local flood risk and provide strategies to effectively reduce risk. This will have implications for Local Resilience Forums and consequently the Fire Service, through involvement in better emergency planning. For example, more reservoirs will now be subject to the production of off-site emergency plans and FRAs will be involved in preparing and testing these plans. A national Flooding Emergency exercise - Exercise Watermark - will be conducted in March 2011, on severe, wide-area flooding.

6. The LGA's Environment Board leads on flooding. The LGA position on FRAs in flooding emergencies is attached at Appendix 1. In summary, the LGA does not support a 'duty' on fire services to provide rescue as we believe outcomes can be achieved through other means i.e. a fully funded national capability. This position was agreed by FSMC office holders at the time of the Pitt Review. The current FSMC position on Fire Control does not cut across this as there are other ways of delivering national capability in this area e.g. New Dimensions and the Chief Fire and Rescue Adviser role set out in the National Coordinating and Advisory Framework.

Flood and Water Management Bill

7. The Government plans to introduce this Bill on 18 November, with enactment from mid to late 2010. The Bill aims to:
 - Clarify roles and responsibilities in line with Pitt recommendations
 - Link flood risk management and water management issues
 - Support environmentally responsible flood and water management
 - Place flood and coastal erosion risk management firmly within the context of climate change and population growth challenges
8. LGA supports the aims of the Bill but has serious reservations on the following issues:
 - Two Tier arrangements - local agreement, rather than a prescriptive model on which tier should undertake the lead role.
 - Funding – we reject the funding assumptions made in the draft Bill and believe much more work needs to be done to assess the full costs of the proposals and any related savings for authorities
 - Skills and capacity - proposals are needed to address the skills and training issues that authorities will face as they take on more responsibilities.
 - Sustainable Urban Drainage systems (SUDs) - a sustainable funding mechanism is needed to increase revenue for maintenance as the number of SUDs expands.

Strategic Flood Risk Management

9. With the lead role for local authorities on managing local flood risk now agreed, local partnerships, including FRAs, are being set up which may be part of wider groupings. The partnerships will identify and resolve existing and future development drainage, flood management and flood defence risks and issues. For example, Derbyshire Strategic Flood Risk Management Group provides a forum of senior officers from the lead local authority, FRA, water/utilities companies, Police, Ambulance Services and the Environment Agency.

Next steps

10. Members are asked to identify any fire related matters which should be included in the LGA's lobbying position or amendments on the Bill
11. The Environment Board has agreed to set up a formal LGA Inland Flood Risk Management Group. This will comprise a member Executive with regional and Environment Board representatives and a wider Officer Network, to include fire authorities. The aim is to support all local authorities and fire authorities in taking forward Pitt recommendations, the lead role on managing local flood risk and new responsibilities accompanying the forthcoming Floods Bill. Members are asked to consider whether to nominate a member of the Committee to sit on the new LGA Inland Flood Risk Management Group.

LGA Group Sector Support

12. LGA resources on Flood Risk Management include:

A monthly Flood Risk Bulletin (available on the LGA website), with latest news, support, publications and events.

Flood Risk Management pages on IDeA Knowledge

These provide a comprehensive guide to the subject for all local authorities.

More resources, including case studies on Partnership working; a self evaluation Checklist for authorities and Action Learning Sets for members will be available soon.

<http://www.idea.gov.uk/idk/core/page.do?pagelD=12656790>

A Community of Practice on Flood Risk and Water Management

This includes a discussion forum, forthcoming events and a library of useful documents, recent news and announcements The CoP is open to authorities and their partners: <http://www.communities.idea.gov.uk/c/2050378/home.do>

Financial Implications

13. There are no unforeseen financial implications from LGA policy work on flood risk management. The financial implications for authorities of the responsibilities associated with implementing Pitt and the proposed Floods Bill are currently the subject of discussions and further research. The LGA Group position on current funding assumptions is outlined above.

Implications for Wales

14. The proposed Flood and Water Management legislation will apply to Wales.

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