

## Agenda Item 10

<b>Executive Member</b>	Councillor John Northcott – Planning
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<b>Date</b>	18th December 2012

<b>Ward (s) affected</b>	All	<b>Key Decision</b>	Yes
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<b>Subject</b>	Surrey Flood Risk Management Strategy - Consultation
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### RECOMMENDATIONS

That the following comments that have been sent to Surrey County Council to meet the consultation deadline be agreed:

Mole Valley District Council welcomes the draft Surrey Flood Risk Management Strategy and suggests that:

(1) The County Council should actively promote the Strategy through its website and publications so that residents and others can draw the County Council's attention to local flooding problems that they may not be fully aware of and to highlight the local concerns that such flood incidents raise.

(2) The County Council should fulfil its role of ensuring that where matters are the responsibility of other bodies, they can be satisfactorily resolved.

(3) The working arrangements for the County Council's Sustainable Drainage Systems (SuDS) approval role should be finalised as a matter of urgency so that procedures are in place for the approval of SuDS applications in parallel with the determination of planning applications. This is to ensure that approval of SuDS does not delay the granting of planning permission beyond the statutory periods for determining minor and major applications. There should be no net cost to the local planning authorities for the implementation of this new regime.

(4) The County Council should work closely with the Surrey local planning authorities to ensure that flooding issues are integrated with the preparation of Local Plans, Community Infrastructure Levy and Infrastructure Delivery Plans and that necessary funding commitments are integrated into local plans and infrastructure programmes and schedules.

(5) The County Council should cooperate directly with those bodies undertaking neighbourhood development plans to ensure that local flooding issues are fully integrated with plan preparation and that the necessary funding of local schemes can be secured.

## **EXECUTIVE SUMMARY**

Surrey County Council has published the draft Surrey Local Flood Risk Management Strategy for consultation. The document was published on Friday 28<sup>th</sup> September 2012 after the deadline for reports to the November Executive meeting. Therefore to meet the consultation deadline of 30<sup>th</sup> November 2012, comments have been submitted on behalf of the Council. This report and the recommendations comments have been agreed with the Portfolio holder, however additional comments can be sent to the County Council.

This report to the Executive summarises the purpose of the strategy, the roles and responsibilities of the County Council as the lead flood authority and the new duties placed on the County Council. It summarises the objectives and actions of the strategy (to 2017) and the opportunities open to the County Council to seek funding. The draft strategy sets out the County Council's new duty and role as the sustainable drainage approval body. This report comments on the implementation of this duty and the implications for development control.

This report places the issue of flooding in the context of Mole Valley and notes that whilst the District is an area of flood risk it does not contain localities in the top five of areas subject to flooding in the County. The report comments on the value of the strategy and as a means of improving the County Council's knowledge of flooding events which affect local communities. The comments that have been submitted focus on this and how the County Council should promote the strategy and liaise with local communities so that they can influence future revisions to the strategy.

It is considered that the draft Strategy directly and indirectly support the Council's corporate priorities.

## **CORPORATE PRIORITIES**

**Access to Services** - This is a strategy which through Surrey County Council will deliver improvements to public safety associated with local flood risk.

**Environment** - This is a strategy which through Surrey County Council will deliver environmental improvements associated with the alleviation of local flood risk.

**Value for Money** - The Surrey Local Flood Risk Management Strategy will be delivered by Surrey County Council.

## **The Executive has the authority to determine the Recommendations.**

### **1.0 BACKGROUND**

- 1.1 Government has given powers to local authorities to address risks of local flooding in a coordinated way. The responsibilities relate primarily to flooding caused by surface water, groundwater and ordinary watercourses (eg streams). Main river flooding remains the responsibility of the Environment Agency.
- 1.2 The new responsibilities arise from the Pitt Review following the flooding of 2007 and the requirements of the Flood and Water Management Act 2010. These follow from concerns that flooding caused by surface water run-off (eg heavy rainfall overwhelming drainage capacity) is likely to increase due to climate

change. The powers have been devolved to County Councils as the lead authority. Additional responsibilities also arise from the Flood Risk Regulations 2009.

- 1.3 Previous consultation by Surrey County Council showed that residents believe that there is a need to reduce the potential for surface water flooding arising from new development and that developers should do more to mitigate flood risk. Feedback also revealed a need for a greater emphasis on the maintenance of highway drainage systems.
- 1.4 The County Council has now produced a draft Surrey Local Flood Risk Management Strategy. The draft Strategy aims to increase awareness of local flood issues and covers:
  - How the County will work with partners to reduce flood risk.
  - An overview of ongoing flood risk management in Surrey.
  - Outlines responsibilities of different organisations to ensure an understanding of roles and responsibilities.
  - What residents and businesses can do to protect themselves from floods.
- 1.5 The draft Strategy includes an action plan and an annual schedule of schemes.
- 1.6 Since April 2012, this Council has not had a statutory responsibility for dealing with the practical consequences of flooding. However, as the local planning authority, it is required to carry out flood risk assessments of new development in its plan making and decision taking roles.

## **2.0 PURPOSE OF THE STRATEGY**

- 2.1 The intention is that through the strategy the County Council will co-ordinate services so that flood risk is reduced and the effects of flood incidents minimised. The County Council will need to look at funding options from its own budget, national funding initiatives and developer contributions. There is an appreciation that funding will not be available for all work and that responses will need to be proportionate and risk based. The strategy is overseen by the Surrey Flood Risk Partnership Board comprising the County Council, Environment Agency, Thames Water, Surrey Fire and Rescue and the five Surrey authorities believed to have the highest flood risk (Epsom and Ewell, Guildford, Reigate and Banstead, Runnymede and Woking).
- 2.2 The Strategy includes the following County wide objectives and priorities for the period to 2017:
  - (i) A long term drainage asset management strategy covering highway and ordinary watercourse maintenance.
  - (ii) With the relevant local authorities and the Environment Agency ensure the implementation of flood risk management strategies.
  - (iii) Develop an approach to sustainable drainage systems which is fully integrated with the planning system.
  - (iv) Promote flood resilience measures to households and businesses at risk of flooding.
  - (v) Secure national flood risk management funding.
  - (vi) Better understand the nature of flood risk and identify mitigation measures.

- (vii) Communicate what is being done to reduce flood risk and urge the government and insurance industry to guarantee the availability and affordability of flood insurance.
- 2.3 The draft Strategy sets out the legislative framework, the sources of flood risk in Surrey and summaries of associated flooding studies and plans.
- 2.4 The key risks for flooding in the South East are identified in the draft strategy as being the impacts on businesses; the increasing number of properties at risk; risks to transport and infrastructure and impacts on service delivery and delivery of emergency services. In the context of Surrey, the Strategy comments on likely future changes to flooding having regard to climate change, population change and new development. It comments that the potential effects of climate change on flood risk is likely to be gradual and there is therefore a need for effective surface water management and the need to consider changes in flood risk over the lifetime of a development.

### **Roles and Responsibilities**

- 2.5 The Strategy sets out the key roles and responsibilities and the duties of the County Council as the lead flood authority. These include providing strategic leadership through the partnership board; a duty to investigate flooding incidents; maintaining a register of structures which are likely to have a significant effect on flood risk and designate structures important to flood risk management. There is also a requirement to produce flood hazard maps and flood risk maps. The County Council has duties related to flooding as the highway authority and for emergency planning. Additionally the County Council also now has the role to consent works to ordinary watercourses (ie works affecting streams and ditches).
- 2.6 A major duty of the County Council will be as the sustainable drainage (SuDS) approving body.
- 2.7 Borough and District Councils are identified as risk management authorities and have a duty to co-operate with other such authorities, contribute to the achievement of sustainable development and act within national and local strategies. They also have the power to designate structures and features which affect flood risk. Councils also have permissive powers to maintain ordinary watercourses although these are the responsibility of the land owner. The duty to achieve sustainable development includes the preparation of Strategic Flood Risk Assessments (SFRAs).
- 2.8 The Strategy also sets out the responsibilities of other bodies including the Environment Agency, Water Companies and the Highways Agency.
- 2.9 The responsibility for maintaining water courses lies with the riparian owner. The strategy also explains that the responsibility for protecting property from flooding lies in the first instance with the property owner and it sets out advice and actions that residents and business can undertake. It suggests the establishment of local flood groups to identify actions which can be undertaken collectively to minimise the impacts of flooding and the expertise the County Council can bring to these.

### **Objectives and Actions of the Strategy**

- 2.10 The initial focus of the County Council's work will cover the broad themes of maintenance, sustainable drainage, communication, improving knowledge and skills and developing an holistic approach to flood risk. Priorities will also be assessed having regard to those initiatives which have the highest eligibility of national funding and will be based on those areas with current surface water management plans or problems. Maintenance will focus, on a priority basis, on those major "wet spots" where flood incidents have occurred. This wet spots data originally recorded events associated with highways flooding incidents but is being broadened to include other incidents. It will be important for the County Council to be made aware of such flooding incidents so the data base can be updated and improved.

### **Sustainable Drainage Approval**

- 2.11 The County Council has a new duty and role as the sustainable drainage (SuDS) approving body. The County Council is working with partners to prepare for this role. The duty requires the County Council to determine whether SuDS for new development proposals are acceptable before construction begins and to approve and adopt all sustainable drainage systems that connect to 2 or more new properties. The County's role as the SuDS approving body is independent of the development control decisions of the local planning authorities. However in order for development to proceed, the drainage scheme will need the County Council's approval. SuDS approval must be granted before planning permission is granted and cannot be conditioned for approval after the granting of planning permission. The implementation of the SuDS approval scheme is being considered through the Surrey Planning Officers Association (SPOA) and with those Surrey authorities with drainage expertise. It is likely the SuDS consenting system will be phased in (eg prioritising major development). However the government has yet to confirm how and when this new role will commence.

### **National and Local Funding**

- 2.12 The draft Strategy sets out national and local funding streams which are available or may be available in the future. This includes the County Council's revenue funding from government which is allocated to flood risk (but not ring fenced). The County Council's Highways service receives an annual capital budget for work on the highways drainage network. Additional funding resources which could become available include the Community Infrastructure Levy and the Growing Places Fund (administered through the Local Economic Partnerships) for example.

### **Sustainable Development and the Environment**

- 2.13 The draft Strategy also sets out in general terms how, through the approach of the strategy, it will contribute to the wider objectives of sustainable development and the opportunities it provides for improving some aspects of Surrey's environment.

## **3.0 PUTTING THE DRAFT STRATEGY IN THE MOLE VALLEY CONTEXT**

- 3.1 The County Council's draft Strategy does not prioritise Mole Valley as a flood risk area. The following comments provide some background for this.

**(a) Fluvial (Main River) Flooding:**

This is not directly part of the County Council's strategy as Main Rivers (the River Mole, Rye Brook and Pipp Brook and also including other main streams feeding into the River Mole in the south east of the District) are the responsibility of the Environment Agency. The Agency's River Mole Flood Risk Management Strategy made recommendations to reduce the level of flood risk in the Middle Mole. These included feasibility studies for flood storage but which to date have not been progressed. The Upper Mole flood alleviation scheme provides improved flood protection in the area around Crawley, Horley and Gatwick Airport without increasing risk downstream. The Councils' own Strategic Flood Risk Assessment has identified the Flood Zones arising from the fluvial flooding of the River Mole and Core Strategy Policy CS20 sets out the approach to development in areas of flood risk. The County Council's draft Strategy does not identify any communities in this District as being in the greatest risk of fluvial flooding (those communities with 500 or more properties with a significant likelihood of flooding).

**(b) Surface Water Flooding:**

This is flooding as a result of surface water run-off and usually happens when heavy rainfall overwhelms drainage capacity and is especially associated with the highway network as the most common form of localised flooding. It may be a rapid but short lived event and can be associated where areas are already saturated or frozen and in urban areas where the surface is impermeable. For example the Environment Agency Arun Catchment Flood Management Plan notes that the clay soils encompassing the villages of Capel, Ockley and Walliswood may give a greater risk of surface water flooding from increased run-off.

The County Councils' Preliminary Flood Risk Assessment does not identify Mole Valley as one of the areas in Surrey at greatest risk of surface water flooding. The County's draft Strategy indicates that surface water management plans will be prepared for the remaining risk clusters (including Leatherhead and Dorking) identified in the preliminary flood risk assessment and the order in which these will be undertaken will be assessed, dependent on the level of flood risk.

**(c) Groundwater Flooding:**

This generally occurs in low lying areas as a result of groundwater rising above the surface of the land. It is most common in areas of chalk strata such as the North Downs including areas of Mole Valley. The County Council is seeking to improve its knowledge of the risk of groundwater flooding. However the potential for such flooding is thought to be localised and the risk low.

**(d) Reservoirs and canal breaches:**

This is not an issue in Mole Valley.

**(e) Sewer Flooding:**

Surface water sewers are designed to cope with the majority of storms but occasionally such events can overwhelm the system. Flooding can be rapid and unpredictable but generally confined to relatively small areas resulting from a

blockage or lack of network capacity. Surcharging of combined sewers (surface and foul water) can pose additional concerns.

**(f) “Wet Spots”:**

This is a term used by the County Council to describe the location of a reported flood incident (from the above sources but excluding fluvial). Work to alleviate “wet spots” is prioritised by a range of factors including safety, internal property flooding and impact. The highest scoring “wet spots” are spread throughout the county. The draft Strategy identifies for 2012-13 a capital drainage scheme for Guildford Road, Abinger and investigations for schemes at Deepdene Roundabout, Dorking and Anstie Lane, Coldharbour.

**4.0 IMPLICATIONS OF THE STRATEGY ON FLOOD ISSUES IN MOLE VALLEY**

4.1 Whilst Leatherhead and Dorking are both identified as risk clusters in the Surrey Preliminary Flood Risk Assessment they are not amongst the highest risk in the County.

4.2 A significant and positive benefit of the draft Strategy is to provide a mechanism for Surrey authorities, neighbourhood and residents groups, businesses and other affected groups and individuals to highlight flooding issues and local flood sites to the County for which the current data may be incomplete or not considered a priority. The Strategy is a means of improving the County Council's information resource and “wet spots” data base. Consequently this could lead to a review or re-allocation of priorities (either policy or specific schemes) in an update of the strategy.

4.3 The Strategy also provides a mechanism through which organisations, groups and individuals can suggest the County Council exert influence on the water companies and the Environment Agency, developers and landowners to carry out their duties and responsibilities with regard to flooding.

**5.0 RESPONSE TO THE COUNTY COUNCIL**

5.1 The following comments have been submitted on behalf of the Council in order to meet the County Council's deadline;

Mole Valley District Council welcomes the draft Strategy and suggests that:

(1) The County Council should actively promote the Strategy through its website and publications so that residents and others can draw the County Council's attention to local flooding problems that they may not be fully aware of and to highlight the local concerns that such flood incidents raise.

(2) The County Council should fulfil its role of ensuring that where matters are the responsibility of other bodies, they can be satisfactorily resolved.

(3) The working arrangements for the County Council's Sustainable Drainage Systems (SuDS) approval role should be finalised as a matter of urgency so that procedures are in place for the approval of SuDS applications in parallel with the determination of planning applications. This is to ensure that approval of SuDS does not delay the granting of planning permission beyond the statutory periods

for determining minor and major applications. There should be no net cost to the local planning authorities for the implementation of this new regime

(4) The County Council should work closely with the Surrey local planning authorities to ensure that flooding issues are integrated with the preparation of Local Plans, Community Infrastructure Levy and Infrastructure Delivery Plans and that necessary funding commitments are integrated into local plans and infrastructure programmes and schedules.

(5) The County Council should cooperate directly with those bodies undertaking neighbourhood development plans to ensure that local flooding issues are fully integrated with plan preparation and that the necessary funding of local schemes can be secured.

5.2 Additional comments can be sent to the County Council.

## 6.0 OPTIONS

6.1 There are three options:

Option 1 – Confirm the comments that have been submitted

Option 2 – Amend the comments

Option 3 – Withdraw the comments and send a new set of comments.

6.2 It is suggested that Option 1 is agreed.

## 7.0 CORPORATE IMPLICATIONS

**Legal Implications** – None arising directly from this report.

**Financial Implications** – No comments received

**Risk Implications** - With regard to sustainable drainage approval there is concern that any delay in approving drainage schemes could result in consequent delays to the granting of planning permission.

**Equalities Implications** - None.

**Employment Issues** - None.

**Sustainability Issues** - **The** Surrey Flood Risk Management Strategy seeks to ensure that measures are in place to safeguard the County's communities from the adverse consequences of surface water, ground water and sewer related flooding.

**Consultation** - None

## 8.0 BACKGROUND PAPERS

None.