

Meeting: Overview and Scrutiny Organisation Committee

Date: 10th March 2008

Report of: Assistant Director Sustainable Transport

Subject: Flooding Preparedness Update Report

Ward(s) affected: All

1. Purpose of the report

1.1 To update the committee on progress following presentation of an interim report to the OSOC meeting on 29 October 2007.

2. Recommendations

2.1 That the report be noted.

3. Background

3.1 The widespread flooding seen during summer 2007 in various parts of the country prompted several members to ask questions about the preparedness of this city for flooding.

3.2 The last significant floods to affect Brighton and Hove were in 2000 which prompted the creation of a Scrutiny Panel to examine and make recommendations to either prevent or mitigate future flooding. This Panel reported to members on 18th July 2001.

3.3 On 13 June 2002 a progress report was submitted to the Environment Committee outlining the implementations of the practical measures recommended by the Scrutiny Panel.

3.4 OSOC received an interim report on 29 October 2007 and requested a further update report for March 10th meeting to outline progress against specific criteria.

3.5 Members were concerned about the unclear responsibilities for flooding matters and agreed to write to the Planning Applications Sub-Committee regarding the determination of planning applications, taking

into account the risks of flooding. The reply is attached to this report at Appendix 2.

4. Progress and Update in relation to the 2001 Scrutiny Review

- 4.1 Progress was previously reported to OSOC as shown in Table 1 of Appendix 1. This table contains the issues and answers raised in connection with the Scrutiny of 2001 and many issues have since been addressed.
- 4.2 **Flooding and the Council's Agricultural Portfolio:**
The Council's agricultural property consultants, Smiths Gore, have been kept informed of the findings of previous flooding reports and they have concluded negotiations started by their predecessors, Cluttons, in respect of one of the farms (Bevendean) involved in flooding in 2000. In that instance the farmer has kept various sloping fields close to the residential area out of cultivation to lessen the risk of run-off in heavy rainfall and further controls have recently been secured in the tenancy agreement. We will seek to conclude changes to other farmers' agreements where necessary.
- 4.3 Following on from the findings of previous reports a tour of Council farmland adjacent to vulnerable residential areas has been undertaken by Council officers to inspect flood defences and current farming practices. Dialogue will continue with Smiths Gore and the farmers to ensure that the risks from run-off are understood and to seek to maintain safe and sustainable farming practices. It will be particularly important to manage changes in farming practice encouraged by alterations in the farming economy or the rules relating to set aside whereby farmers have been encouraged to take land out of cultivation.

5. National and Sussex Update

- 5.1 As previously reported, various bodies have statutory functions that can be used to reduce the risk of flood damage or mitigate its effect.
- 5.2 There are still a lot of changes going on at a national level in the administration and delivery of flood defence, coast defence and urban flooding.
- 5.3 It is likely that the Department of Environment Food and Rural Affairs (DEFRA) will withdraw to a policy development role passing delivery and a strategic overview role to the Environment Agency (EA). This will be complete by 1st April 2008, although the practical arrangements for how it will all work are still being developed.
- 5.4 Responsibility for Coast Protection should remain largely unchanged except that this Authority will apply to the EA rather than DEFRA for

grant aid and the EA should be taking a closer interest in what we do. At present this Authority carry out maintenance work using revenue money allocated in the Revenue Support Grant, but this may change with the EA issuing revenue funding possibly through the Regional Flood Defence Committee (RFDC). The RFDC will be renamed shortly as they will be taking on additional responsibilities for coast protection as part of the EA's new strategic overview.

- 5.5 DEFRA is emerging as the lead department for Urban flooding management. The EA in turn is taking on a strategic overview role for the delivery side of that responsibility. A recent Government consultation report suggests placing local authorities in a co-ordination, planning and delivery role. This is the model that OSOC thought we should have.
- 5.6 It suggests that LAs should be responsible for drawing together everyone that has an interest or responsibility for flooding (ie. water companies, land owners etc). It discusses co-ordinating 'investment across the broad range of organisations' with 'sanctions to ensure compliance' and 'LAs taking on a body of work which to date has been given little attention', and concludes by saying that to be successful 'the approach would require LAs to take flood risk management seriously'.
- 5.7 If properly resourced this could be an ideal opportunity to develop a flood risk manager's role within the Council to work with the Agency to co-ordinate planning and response throughout the City.
- 5.8 The Adur Catchment Flood Management Plan (CFMP) is a high level flood management plan prepared for the Agency by consultants. The consultant's final draft went out for consultation last year. The policy proposed for the Agency to implement in the B&H area was to reduce flood risk. In its contribution to the consultation the Agency's national review team decided that the consultant must re-examine some of his work and that as a result, for the B&H area, the policy for the Agency should be changed to carrying on as at present and accepting that flood risk will increase. We have objected to this change and await the Agency's response.

6. Local Maintenance Update

- 6.1 Cityclean presently clean all road gullies and connecting pipe-work with a specialist vehicle and endeavour to sweep on the same day or at the same time as verges are being cut. The City uses mechanical road sweepers to keep the roads and gullies cleared of debris. These vehicles have high-pressure water jets, metal scrubbing brushes and powerful suction. A new contract for this service provides for the incumbent to clear all debris around gullies and trim any hedges where necessary.

6.2 The new Gully and Soakaway cleansing contract will now commence on 12th May 2008. The one-month delay is enabling a smoother start-up. All soakaway cleansing requirements are cleared within one month. Flooding hot-spots have been checked, a list of priority areas has been updated and incorporated into the contract.

7. Summary

7.1 The events of Summer 2007 in Yorkshire and the West Country re-focused minds and raised the threat of flooding to a higher level.

7.2 Within Sussex, Brighton and Hove is seen as a low risk area for major flooding. We are more likely to see short, localised flooding as a result of infrastructure overload, rather than long term widespread flooding associated with rivers bursting their banks.

7.3 However the areas immediately to the west and east of Brighton and Hove are vulnerable to widespread flooding, the impact of which could be felt in Brighton and Hove with displaced people, healthcare needs and issues of social cohesion.

7.4 The council's priorities are:

- To ensure that the existing infrastructure and flood defences are maintained
- That liaison and joint working with partner organisations continue
- To ensure the Emergency Planning team are ready for dealing with events such as flooding. There are regular exercises, the last held on 16th October.
- That in the event of flooding the council is able to respond with others as appropriate to assist those affected.

7.5 Members will see that actions have been taken wherever possible following the events of 2000 and that the city is now better protected, especially in the known high risk areas to prevent or mitigate any future similar event.

7.6 However it should be understood that there is a limit to the capacity of the infrastructure, which could be exceeded by freak weather in the future.

7.7 Flooding issues have implications for a range of services and various different parts of the community. As such flooding is an issue for the City as a whole.

Mark Prior, Assistant Director Sustainable Transport
Martin Eade, Coast Protection Engineer
Richard Butler, Estates Manager
Ben Sellar, Contracts Manager, City Clean
Robin Humphries, Business Continuity Manager

APPENDIX ONE

The 2001 Overview and Scrutiny Report recommendations with updates on progress

No:	
1	<i>The Panel considers that it is imperative and a high priority for the Executive to identify resources to support the work recommended by the Panel where appropriate for funding in the 2001-2002 financial year</i>
	These results were reported back to the Environment Committee on 13 June 2002. The most significant piece of work carried out as a result of the Panel's recommendations was at Bevendean where the existing dams at Bodiam Close were rebuilt and enlarged.
2	<i>Recommendation 2: The Panel recommends that council officers take measures to ensure appropriate visibility to members of the public when working on-site in flooding relief work, e.g. fluorescent jackets or vests with 'Brighton and Hove Council' clearly displayed thereon.</i>
	Concerned ensuring council officers are clearly identified when working on-site in flood affected areas. High visibility clothing sporting the council logo are now routinely worn by staff. A small reserve supply of high visibility clothing is held by the Emergency Planning Office
3	<i>The Panel welcomes the development of the Flood Alerting and Action Plan and recommends that the Plan be adopted by the council following appropriate consultation</i>
	This work is on-going involving the Environment Agency, the Meteorological Office and water companies. Severe weather warnings are monitored by the Emergency Planning Office and passed on to relevant officers. A national floodline has been established by the Environment Agency, which is being reviewed following recent enquiries into flooding in other parts of the country.
4	<i>The Panel recommends that the Executive consider the early establishment of a dedicated council flooding help-line number for emergency use.</i>
	The councils telephony system has been programmed so that a public helpline facility is available at all times should it be required following any type of major emergency. A variety of numbers are available which will be published following the incident, the exact number to be used is an operational decision to be taken based on the likely rate of telephony.
5	<i>The Panel recommends that an appropriate level of staff is employed to operate the council's out-of-hours help-line numbers, that staff receive appropriate training in customer-focused support and measures taken to ensure that up-to-date information is provided to ensure better communication with the public and correct routing of enquiries to the most appropriate person within the council.</i>

<p>This is on-going work, now not only focused on telephony but all communications methods to be used to deliver an accurate picture of events. This encompasses use of the council website, liaison with the media, CCTV, and emergency services.</p>
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6	<i>Recommendation 6: The Panel recommends that the Emergency Planning Officer establish a pre-printed supply of information including the flood help-line telephone number, what assistance residents can expect from the council and other agencies, differing arrangements for council tenants and private residents and a request for temporary contact details and/or a forwarding address for residents wishing to be kept informed of events in progress. It is recommended that the council Press Office is contacted once a crisis situation has been identified in order to make full use of local media to disseminate additional information and updates to the public.</i>
	The quick production of information leaflets is now more possible using modern equipment which is available in most council offices. The contents of this recommendation are now standard practice for all major emergencies and not specific to flooding.
7	<i>Recommendation 7: The Panel recommends that ward Councillors, relevant Executive and Lead Councillors are informed of flooding incidents as soon as possible to make use of their local knowledge and contacts.</i>
	Notifying members and senior officers of major events is now standard practice and not specific to flooding.
8	<i>The Panel recommends the prior designation of local information points in high-risk flood areas to be provided with a visible temporary marker (e.g. a sign or flag) for use as a focus point for updating residents of local developments and for council and external agency staff.</i>
	It is now standard practice to set up 'help' points close to the scene of a major emergency and again not specific to flooding. The proposal to pre-identify specific locations has not been adopted as each event will differ. 'Help' points will be set up at safe locations dependant upon the exact circumstances of the emergency
9	<i>The Panel recommends that Social Care and Health staff form part of the council's emergency response team for incidents of flooding.</i>
	All council departments supply trained staff to assist at any emergency in a variety of roles
10	<i>The Panel recommends the grading of gullies and soakaways within the authority integrating historic information to ensure that high-risk locations are cleared more frequently and at appropriate times of the year to maximize their potential to provide effective protection from flooding. The Panel supports the on-going process of identifying and mapping soakaways in the conurbation and recommends that the low/medium flood risk soakaways be maintained at their present level as a minimum.</i>
	Gully cleansing is the responsibility of City Clean (although the Highways Agency have responsibility for part of the A23 and A27). This was the subject of Environment Committee agenda item 56 of 13 September 2007. Members are asked to refer to the decision of that committee.

<p>Following the flooding in 2000 using historic information some gullies and soakaways were given greater priority for cleaning. This can be formalised under the new contract.</p>
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11	<i>The Panel welcomes the development of PPG25 and recommends that council planning officers and Members of the Planning Applications Sub-Committee give due consideration to the construction of new developments in areas at risk of flooding within Brighton and Hove.</i>
	This asks the Planning Applications Sub committee to give due consideration to planning applications in areas at risk of flooding. At this stage we are unable to quantify the effect or result of this recommendation but see reply to Chairman of OSOC from Chairman of Planning Applications Sub-Committee attached at Appendix 2 to this report.
12	<i>The Panel recommends that direction be sought from partner organizations, the Local Government Association and the Department of the Environment, Transport and the Regions with regard to the identification of clear boundaries of responsibility between local authorities, the Environment Agency and Southern Water for flood protection and relief measures. The Panel particularly recommends that clear lines of responsibility be defined for groundwater management, abstraction points and emergent springs.</i>
	<p>Central government are currently considering whether to make DEFRA responsible for flooding from all sources, which may or may not involve changes in responsibility for other organisations. At present the division of responsibilities is as follows:</p> <p>Sea – BHCC through its powers under the Coast Protection Act Downs – BHCC as principal landowner Sewers – Southern Water Gullies and soakaways – BHCC, until water reaches the sewer or disperses into the ground. Rivers – Environment Agency Groundwater – If Defra are made responsible for flooding from all sources then it is likely that the Agency will take on the practical implementation of that responsibility (Defra are principally responsible for setting policy and the EA as their executive agency, for implementation). At present there is no clearly identified body, the effects of groundwater flooding are usually dealt with by the local authority.</p>
13	<i>The Panel recommends the development of a formal communication strategy with a checklist covering all communication aspects between the council, public and external agencies.</i>
	This recommendation was superseded by the introduction of the Civil Contingencies Act 2004 which places a statutory duty on various organisations to cooperate in warning and informing the public. The Sussex Resilience Forum leads on this work for Sussex. Internally the Emergency Planning Office works with the Communications Team to deliver accurate information. This applies not only to flooding but to all types of major emergency

14	<i>The Panel welcomes the establishment of an inter-agency group consisting of representatives from the council, Environment Agency and Southern Water and recommends that the group continues to work together to address short and long-term flooding issues in Brighton and Hove</i>
	The establishment of the group has assisted in major projects for the city. It would be true to say that as the threat of flooding was low in the past few years the need for the group to meet was reduced. As the threat level rises so the need to meet increases. Members should also be aware that the Chief Executives and Senior Managers of these groups also sit on the Sussex Resilience Forum where a sub-group exists to manage the flooding risk for the whole of Sussex.
15	<i>The Panel recommends that the inter-agency group consider the feasibility for funding a long-term solution to the problems of groundwater and surface water flooding and related public health issues, by means of a new storm drain network to address acknowledged problems with the existing foul and storm drain system on occasions of extreme rainfall. It is recommended that this is carried out in conjunction with rainfall and groundwater monitoring and the monitoring of the effectiveness of short-term solutions to assess whether the costs of such a scheme can be justified. The Panel recommends that the feasibility report be submitted once drafted to the council, external partners and the Flood Defence Committee for further consideration.</i>
	Extensive replacement work is being undertaken in the city to replace and upgrade sections of the sewerage network. The council will continue to assist and support Southern Water in applying for funding for appropriate schemes. A report by consultants ('Flood Defence Assessment of Downland Flooding' Binnie, Black and Veatch May 2001) after the flooding identified as a possible option a new storm drain from Preston Park to the sea to alleviate flooding to the north in Patcham. However the scale and cost of such a scheme would be enormous and beyond the Council's means. At present the Environment Agency are not responsible for flooding from this source and so would not be likely to support it. In general items considered by the FDC are presented by the Agency from their programme of works.
16	<i>The Panel recommends a change in land use at Upper Bevendean Farm, subject to negotiations between Cluttons and the tenant farmer, as follows; Either: Reversion of the field north west of Bodiam Close to traditional chalk grassland; Or: Use of the field for silage or hay cultivation; Or: Use of the field as set-aside.</i>
	Work and changes of use adopted in 2002. The area has been visited and a full inspection of flood defences is being prepared. This is being done in conjunction with the tenant farmer and managing agents. A report has been produced although we are looking further at the inspection regime.
17	<i>The Panel recommends the consideration of measures to increase flood</i>

	<i>retention storage and improve dam outlet facilities on repaired and upgraded dams adjacent to Bodiam Close.</i>
	Construction of 3 large earth dams and an overflow system, 6 large diameter and deep soakaways, drainage ditches, all completed before autumn 2001. Regular inspection of systems undertaken.

18	<i>The Panel recommends the construction of a more effective drainage system for the track to the west of Cockroost Hill, by means of a narrow drainage ditch on the upstream side of the track to intercept runoff from the adjacent fields together with pipes or narrow gullies crossing the track at regular intervals to convey water to fields on the downstream side.</i>
	Some engineering works were done around Cockroost Hill, Mile Oak. The existing drainage regime is under investigation and review. A report has been produced although we are looking further at the inspection regime.
19	<i>The Panel recommends that the Environment Agency consider upgrading of the current groundwater monitoring network at Mile Oak to enable warnings of rising groundwater levels to be given to local residents.</i>
	When the government decide if DEFRA/EA are responsible for all sources of flooding, an early warning system for groundwater flooding may be developed by the EA.
20	<i>The Panel supports the improved monitoring and flood warning system approved by the Environment Agency and recommends that monitoring be extended to as many boreholes as possible within the Patcham water catchment area.</i>
	A research programme into groundwater flooding (FLOOD1) by the University of Brighton supported by a range of local and international partners is due to report next Summer. Part of the Council's support for that programme has been to allow the establishment of a groundwater monitoring site on farmland to the west of the A23 north of the bypass. It is hoped that the Environment Agency will adopt the site at the end of the programme and use its data to add to data from other local monitoring boreholes. If the Agency become responsible for groundwater flooding then it should be possible for this data to give early warning of flooding via the Agency's established flood warning procedure.
21	<i>The Panel recommends a continued dialogue between Sussex Police and council officers with regard to the development of a more robust system of road closure in the event of foul water pollution of the public highway.</i>
	Now in place, this not only applies to road closures as a result of flooding but for protracted closures for any reason
22	<i>The Panel recommends that the Department of Environment and Housing further investigates the viability of the construction of temporary floodwater storage by the installation of a clay bund around the perimeter of Patcham Place playing field following public consultation.</i>
	This has not been adopted. Consultation with local residents failed to gain support for this proposal who preferred a more costly option of drainage. Funding could not be secured for the more costly option.

23	<p><i>The Panel recommends, subject to negotiations between Cluttons and the tenant farmer, a change in land use for the field to the west of Falmer Road as follows;</i></p> <ul style="list-style-type: none"> • <i>Winter arable crops to be replaced by grass</i> • <i>The use of the field to be restricted to spring arable crops only</i>
	<p>Adopted in 2002, a further visit and inspection will be made by officers and Smiths Gore. The recent inspection showed that the farmer was autumn ploughing a rather vulnerable slope and the extended headland at the edge of the field close to Falmer Road has disappeared. However, Smiths Gore are talking to the farmer about this issue.</p>
24	<p><i>The Panel recommends the reinstatement of the hedgerow along the eastern edge of the field west of Falmer Road with the construction of an adjacent infiltration ditch to act as an additional soakaway.</i></p>
	<p>A visit by officers, landowners will take place in the near future. There are still some lengths of hedgerow to be reinstated.</p>
25	<p><i>The Panel recommends the construction of additional soakaways in appropriate locations in Happy Valley west of Falmer Road.</i></p>
	<p>Further investigations revealed only one additional suitable location for a soakaway which was constructed in 2001. Several large soakaways have since been constructed.</p>

APPENDIX TWO

Reply to Chairman of Overview and Scrutiny Organisation Committee from Chairman of Planning Applications Sub-Committee

Councillor Jan Young

Date: 14 January 2008

Via Courier

Our Ref: TK/AN

Your Ref:

Dear Councillor Young

PLANNING APPLICATIONS SUB-COMMITTEE: FLOODING WITHIN BRIGHTON & HOVE

Thank you for your letter dated 14 December 2007 and for bringing these concerns to my attention.

Members of the Planning Applications Sub-Committee, and the supporting officers in City Planning, fully recognise that flooding can threaten lives and cause substantial damage to property, and take full account of flood prevention and management in decisions about development in the city (both planning permissions and planning policy).

There are various sources of information regarding flood prevention and management, as you suggest. Therefore the City Council, through its planning function is currently carrying out a Strategic Flood Risk Assessment ('SFRA') which will pull together key sources of information relevant to the city into a more comprehensive evidence base to inform planning decisions.

The SFRA will investigate the risks of flooding across the whole of the city and identify appropriate ways to avoid, minimise and manage flood risk. It will look at:

- present risks of flooding and also at the statistical probability of future events (over the period to 2115) occurring, taking into account the latest Government predictions for climate change and the possible associated rise in sea levels; and
- all types of flooding including: fluvial (river), tidal (sea), groundwater, surface water, and sewer flooding.

The SFRA will be informed by historical and future-modelling data from a wide range of sources such as the Environment Agency, DEFRA, Shoreline/Catchment Flood Management Plans, geological data, level and condition of existing flood defences, Government climate change predictions, water/sewage company data and records from the Fire and Rescue Service. The SFRA is a 'living document' so it is intended that it can be updated to incorporate changes to those data sources.

Should any areas of the city be identified in the SFRA as having high flood risk then further investigation will be carried out for that area and possible mitigation measures will be suggested through the SFRA process to help inform planning decisions about development at the site.

When published, the SFRA will then inform the consideration of all planning applications and also any site allocations identified through the Local Development Framework. I would also emphasise that the Environment Agency will remain a statutory consultee for planning applications.

Yours sincerely

Councillor Ted Kemble
Chairman, Planning Applications Sub-Committee

APPENDIX 3

Meeting/Date	10 March 2008
Report of	Director, Environment
Subject	Flooding Preparedness
Wards affected	All

Financial implications

The future direction of the responsibility for administration and delivery of flood defence, coast defence and urban flooding at a national level is still to be determined and the funding for any proposed changes of responsibility at a local level has not yet been identified. The financial risks of flooding should be considered in forward planning.

Finance Officer consulted: Anne Silley Date: 21/02/08

Legal implications

The current national position is mentioned in section 5 of the report. Local authorities have a number of statutory functions which can be used to reduce the possibility and impact of flooding, including powers to carry out coast protection work and as a significant responder in the event of civil emergencies. This council can also seek to use its position as a landlord of agricultural land for the same purposes.

Lawyer consulted: John Heys Date: 25/02/08

<h3>Corporate/Citywide implications</h3> <p>Within Sussex, Brighton and Hove is seen as a low risk area for major flooding but there needs to be preparedness to reduce the possibility and impact of short, localised flooding.</p>	<h3>Risk assessment</h3> <p>See the report and appendices for how the council is monitoring various potential risk areas.</p>
<h3>Sustainability implications</h3> <p>The development of flood preparedness is important for sustainability.</p>	<h3>Equalities implications</h3> <p>There are no direct equalities implications.</p>
<h3>Implications for the prevention of crime and disorder</h3> <p>There are no direct crime and disorder implications.</p>	

Background papers *[Part 1 reports only]*

None

Contact Officers

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