

Report to:	TOURISM, ECONOMY AND RESOURCES SCRUTINY COMMITTEE
Relevant Officer:	Clare Nolan- Barnes, Head of Coastal and Environmental Partnership Investments
Date of Meeting	8 February 2023

FLOOD RISK MANAGEMENT ANNUAL REPORT 2022/2023

1.0 Purpose of the report:

1.1 To provide a basis for the Committee to consider the delivery of the Council’s statutory duties in respect of flood risk management. The report will provide a brief outline of the various statutory duties under the Flood and Water Management Act including the duty to publish the Lancashire Flood Risk management Strategy (Local Strategy) and our agreement to publish an annual monitoring report. The report provides information on proposed legislative changes under the Flood and Water Management Act.

2.0 Recommendation(s):

2.1 To scrutinise the delivery of the Council’s Statutory Duties in relation to flood risk management, the actions in the Lancashire Flood Risk management Strategy (Local Strategy) and also to consider challenges and highlight any areas for further scrutiny.

3.0 Reasons for recommendation(s):

3.1 To ensure constructive and robust scrutiny of the report and provide confirmation that the Council is delivering its statutory duties in respect of flood risk management.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council’s approved budget? Yes

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priority is:

- “The economy: Maximising growth and opportunity across Blackpool”

5.0 Background Information

- 5.1 The Council has statutory duties as set out in the Flood Risk Regulations 2009, the Flood and Water Management Act 2010 and the Flood Risk Management Overview and Scrutiny (England) Regulations 2011.
- 5.2 Following the completion of a Flood Risk Management Scrutiny Review in 2013, the Tourism, Economy and Resources Scrutiny Committee is to receive a report on an annual basis, relating to progress on flood risk management.
- 5.3 The Flood and Water Management Act has been enacted at various times through secondary legislation since receiving royal assent in 2010. Part of the Act is a duty to cooperate with others at risk management authorities and to share information. As part of this, Blackpool is part of the Lancashire Strategic Flood Risk Partnership (LSP) the LSP is made up of Member and officer representatives from Blackburn with Darwen Council, Blackpool Council and Lancashire County Council, the Environment Agency and United Utilities. The LSP provides updated reports on flooding on a quarterly basis to the Environment Agency’s Regional Flood and Coastal Committee.
- 5.4 Funding for the delivery of statutory duties is received in the allocation from Department for Levelling up Communities.
- 5.5 The Council works proactively with its partner organisations, in particular the Environment Agency and United Utilities to ensure that any available funding to allow studies or contributions is explored.

6.0 Challenges and Communication with residents

- 6.1. The National Flood and Coastal Erosion Risk Management Strategy for England was published in Autumn 2020 and recognises that as a result of climate change England will experience wetter winters and drier summers with an increased likelihood of wetter weather and flooding.
- 6.2 Blackpool has the added challenge of being a coastal town and so one of the biggest challenges is that of ensuring that the town is resilient to future flood events. The asset register and associated mapping will assist in ensuring we understand the areas of flood risk in the town.
- 6.3 In addition to carrying out our statutory duties and the physical resilience measures such as sea defence, the challenge will be to ensure that we engage with Communities and that they can recognise their own challenges and become resilient.

- 6.4 Following the Community Forum Events in 2020 and 2022, a Community Resilience Policy has now been published to enable a consistent response to requests for assistance in a flood event and it is anticipated that a Community Flood action groups will be formed where possible. Support will also be provided to any other areas that would ordinarily consider forming a flood action group or that are at risk to flood events but that may not be in a position to form a formal flood action group.
- 6.5 Members will recall in previous reports that staff commenced training and working with Partner organisations across the Fylde Peninsula to provide a flexible and knowledgeable work force to deal with our Statutory flood risk duties, this training has continued throughout 2022.
- 6.6 Further training has also been carried out during 2022 with the Council's Emergency Planning Team and external partners. The exercise was attended by all officers across the Council involved in flood risk and provided excellent training to strengthen the understanding of all officers in their roles and responsibilities during and following flood incident.
- 6.7 Further training days will be scheduled for 2023 to ensure that we have a robust response team in all aspects of delivery of our Emergency Plan.
- 6.8 Blackpool Council, Fylde Council and Wyre Council recognise the challenges of surface water flood management across the Fylde Peninsula and are working together in The Fylde Peninsula Water Management Partnership (which also includes representatives from United Utilities and the Environment Agency) to address common issues and share resources to manage surface water issues.

7.0 Consenting and Enforcing on Ordinary Watercourses.

- 7.1 The Council has a statutory duty to consent on applications for works which impact on ordinary watercourses. To date, since the implementation of the duty seven applications have been formally received, there were no applications by developers or residents in 2022. In addition, the Council has powers under the Land Drainage Act to enforce action where works have been undertaken without appropriate consent. This is undertaken on a reactive basis upon becoming aware of a problem. The Council have responded to a number of land drainage issues in 2022.
- 7.2 The flood risk team are receiving more enquiries in respect of historic watercourses where consent have not been granted. The Council has discretion to exercise its powers in this regard.

8.0 Duty to investigate flood incidents

- 8.1 On becoming aware of a flood incident within Blackpool, the Council has a duty to investigate flooding incidents to the extent that it considers appropriate and necessary. A policy has been implemented stating the criteria that would trigger a formal investigation. Other incidents of flooding are investigated when appropriate but results are not published.
- 8.2 The Lancashire Flood Risk Management Strategy (Local Strategy) has now been published on the Council's web site and accompanying that strategy is a business plan the plan includes actions to review our policies. The adoption of a standardised section 19 report is included in these actions.

9.0 Maintenance of asset register

- 9.1 Blackpool Council continues to develop the asset register within the Geographical Resource Platform.
- 9.2 The Head of highways will make the asset register publically available on the Council's Flood Risk web site as this is developed in 2023. The asset records to accompany the register do contain some sensitive information which cannot be published.

10.0 Lancashire Local Flood Risk Management Strategy (Local Strategy)

- 10.1 The Lancashire Flood Risk Management Strategy (Local strategy) and Business Plan was published in October 2021 on the Blackpool Council Flood Risk web site.

The Local Strategy has a business plan contains 6 themes together with actions, the themes are

- Delivering Effective Flood Risk Management Locally (8 Actions)
- Understanding our Local Risks and Challenges (9 Actions)
- Supporting Sustainable Flood resilient development (9 Actions)
- Improving Engagement with our flood family (11 Actions)
- Maximising Investment Opportunity to Better Protect our Businesses and Communities (9 actions)
- Contributing towards a Sustainable Climate Resilient Lancashire (7 Actions)

- 10.2 Regular meetings have been set up between Blackpool Council Lancashire County Council and Blackburn with Council to monitor the actions in the business plan. A quarterly report will also be issued to the LSP so that the delivery of actions is transparent across the Partnership.

- 10.3 The delivery of the business plan spans the life of the strategy 2022 – 2027 but it is recognised that during its lifetime some changes may be required.
- 10.4 The business plan requires multi organisational working and relies on the strength of the Partnerships and a copy of the 2022 Annual monitoring report is attached to this report in Appendix A.

11.00 Regional Flood and Coast Committee

- 11.1 Blackpool Council is represented at the Environment Agency’s North west Regional Flood and Coastal committee which is attended by Cllr Jane Hugo. This forum forms part of the formal governance for managing flood risk in the regions and Blackpool Council pay an annual levy towards the alleviation of flood in the North west region.
- 11.2 The levy can be used for the Partnership funding of projects in the region including Blackpool.
- 11.3 Blackpool Council have been successful in obtaining £65,000 from the £100,000 quick win levy allocation for Lancashire to carry out sustainable drainage systems that not only help provide flood resilience but that also create habitat. These schemes will provide case studies for the Lancashire Strategic Partnership to transfer these projects across the Lancashire County.
- 11.4 Blackpool Council report to Regional Flood and Coastal Committee on flood and coastal erosion risk management actions through the Partnership Officer a shared resource currently based at Lancashire County Council.

12.0 Proposed Legislative Changes - Sustainable Drainage Systems Review

- 12.1 Members may recall that Schedule 3 of the Flood and Water Management Act 2010 was not enacted, however, on the 10th January 2023 the government “confirmed plans to ensure new sustainable drainage systems (SuDS) are adopted under Schedule 3 of the Flood and Water Management Act 2010”
- 12.2 Schedule 3 to the Flood and Water Management Act 2010 sets out a framework for the roll out of drainage systems, a sustainable drainage system approving body, the national standards on design, construction, operation, and maintenance. It also makes the right to connect surface water to sewers conditional upon a drainage system being approved before any construction work can start.
- 12.3 How this sits with or alongside the planning process is subject to further consultation. A consultation to collect views on the new proposals will launch later this year as the government seek to finalise the new rules ahead of their implementation throughout 2024”

12.4 This proposal should enable the Council to ensure that there is a responsible approach by developers to managing drainage and flood risk on new developments.

Does the information submitted include any exempt information? No

List of Appendices:

Appendix 7(a): Local Flood Risk Management Strategy Business Plan
Annual Monitoring Report

13.0 Financial considerations:

13.1 The Department for Environment Flood and Rural Affairs along with the Department for Communities and Local Government provide some funding to undertake flood risk projects and studies.

14.0 Legal considerations:

14.1 None.

15.0 Risk management considerations:

15.1 Failure to implement the statutory duties could lead to unquantified and unmanaged flood risk to Blackpool.

15.2 Blackpool Council needs to retain the expertise and resource to deliver the statutory duties in the Flood and Water Management Act (2010) and the Land Drainage Act In order to remain resilience, we will continue to extend the expertise and ensure that Council has a flexible workforce, during 2023 more officers will be trained to carry out statutory duties in respect of flood risk management and Blackpool will work with partners to provide a cohesive approach to delivering our duties. This training will continue to be expanded to the Emergency Planning Role

16.0 Equalities considerations:

16.1 Flooding has the potential to impact on vulnerable residents to a greater extent and will need to be managed accordingly.

17.0 Sustainability, climate change and environmental considerations:

17.1 Sustainability, climate and environmental considerations are covered in the main body of the report.

18.0 Internal/ External Consultation undertaken:

18.1 Blackpool Council is part of the Lancashire Flood Risk Partnership and also chairs the Fylde Peninsula Water Management Partnership which review flood risk in the wider area.

19.0 Background papers:

19.1 None.