

## ROTHERHAM BOROUGH COUNCIL - REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet</b>
2.	<b>Date:</b>	<b>18<sup>th</sup> June 2014</b>
3.	<b>Title:</b>	<b>Rotherham Local Flood Risk Management Strategy</b> <b>All Wards</b>
4.	<b>Directorate:</b>	<b>Environment and Development Services</b>

### 5. Summary

On the 4<sup>th</sup> March 2013 the Cabinet Member Meeting approved the Council's Draft Rotherham Local Flood Risk Management Strategy (the Strategy) for consultation.

The draft Strategy has been forwarded to the Council's partners, stakeholders and communities for consultations, and has been amended where necessary.

### 6. Recommendations

**It is recommended that Cabinet resolves to:**

- 6.1 approve the final Strategy (ref: Appendix A).**
- 6.2 approve the publication of the final Strategy.**
- 6.3 approve the periodic update and publication of the Strategy.**

## 7. Proposals and Details

The Flood Risk Regulations 2009 implement the requirements of the European Floods Directive, which aims to provide a consistent approach to managing flood risk across Europe. The regulations impose new duties on the Council as the Lead Local Flood Authority (LLFA) for Rotherham, including the responsibility for managing local flood risk in particular from ordinary watercourses, surface runoff and groundwater.

Under the requirements of the Flood Risk Regulations 2009 and the Floods and Water Management Act 2010, the Council's key new roles and responsibilities are as follows:

- Duty to produce a local flood risk management strategy for the Rotherham area.
- Ability to work with other risk management authority regarding flood risk.
- Duty to exercise and carry out works in accordance with the national flood and coastal erosion risk management strategy and relevant local flood risk management strategies.
- Provide strategic leadership and partnership between lead local flood authorities and other risk management authorities.
- Duty to co-operate and provide information with other risk management authorities.
- Power to carry out works to manage flood risk from surface runoff or groundwater.
- Power to arrange for a flood risk management function to be transferred to another risk management authority.
- Power to request information from other key agencies and landowners in connection with its flood management functions.
- Duty to act as the co-ordinator for the investigation of flood incidents and publish the results on the Council's website.
- Duty to establish and maintain a register of drainage assets/ features and a register of structures/features which it considers are likely to have a significant effect on local flood risk.
- Power to designate features or structures that affect flood risk which places legal responsibilities on the owner of the asset to manage.
- Power to formally consent and/or approve works within Ordinary Watercourses which includes all temporary and permanent works.
- Duty to promote and manage Sustainable Drainage.
- Duty to establish a Sustainable Drainage Systems (SuDS) Approving Body (SAB), which will have the power to approve, supervise, adopt and maintain SuDS, and how surface water is managed on new development sites.
- Duty to contribute towards the achievement of sustainable development.

The Flood and Water Management Act requires the Council to ensure that adequate scrutiny arrangements are put in place to review, scrutinise and approve the Council's Local Flood Risk Management Strategy for Rotherham. The draft strategy was presented to the Council's Overview and Scrutiny Management Board on the 8<sup>th</sup> February 2013 where it was recommended that the Strategy be forwarded onto the Cabinet for approval.

The Strategy will be reviewed and scrutinised on a six yearly cycle as a minimum. The Strategy is a 'living' document and it is a duty of the Council to update and amend the Strategy year on year, for example in response to changes in legislation, actual data following a major flood event, new asset data, resource and funding opportunities etc.

## 8. Finance

Defra has allocated £120,200 for 2014/2015 to Rotherham which will enable the Council to carry out its new duties under the Floods and Water Management Act 2010. The funding will support Lead Local Flood Authorities in developing local flood risk management strategies, surface water management plans, priority actions, mapping, and administering consents for works affecting an ordinary watercourses.

In addition Defra allocated a further £61,500 to be used during 2013/14 and 2014/15, which will enable the Council to establish and implement its new Sustainable Drainage System Approving Body (SAB) duties under the Floods and Water Management Act 2010.

Although a final decision has not yet been made by Government on the date for implementation of the SAB regime (this includes administration, design check, approval, supervision, adoption and maintenance of SuDS); it is anticipated that the Council will be in a position to do so for **major developments** (> 10 properties) from October 2014 within existing resources. From 2017, the regime will apply to all **minor developments** (comprising 2 or more properties), it is anticipated that there may be in excess of 150 such developments each year. The staffing implications of this legislative change have not yet been fully appraised.

Defra has indicated that a fee can be charged for the submission of a SuDS application; in addition it has been suggested that the cost for future maintenance of SuDS systems may be borne by residents served by the SuDS, via their Council Tax. The Council would be required to administer these payments.

The implications of fully implementing the legislative changes are not yet clear, either in terms of staffing and workload, or the ongoing maintenance burden for SuDS. Additional revenue funding is not reflected in the current medium term financial strategy.

## 9. Risks and Uncertainties

Under the Flood and Water Management Act 2010, the Council as the Lead Local Flood Authority for Rotherham, is committed to carrying out its new roles and duties for local flood risk management, including surface water overland flows throughout the Borough. It is likely that there will be additional pressures on the Council's resources to carry out the duties as the Lead Local Flood Authority.

The Government has indicated that after autumn 2014 the Council will be required to carry out its duties to adopt and then maintain SuDS e.g. pipes, swales, ponds etc. These new duties are likely to have an impact on the many of the services; the Council is therefore working closely with other Local Authorities to prepare and implement relevant guidance, applications, legislation, adoption and maintenance procedures prior to the implementation of SAB. The implementation of the SuDS approval and adoption processes is to be carried out in 2 phases, and for the first 3 years only major development is included and there are exemptions where planning permission has already been granted. From autumn 2014 to 2017 it is estimated that the Council will receive between 4 and 8 major development applications per average year for the adoption of SuDS. After 2017 it is estimated that the Council will receive between 150 and 175 major and minor applications per average year for the adoption of SuDS.

There is some uncertainty that future funding will be continue to be provided by Defra after 2015, this could apply additional pressures on the Council to obtain future funding to fulfil its roles and responsibilities under the Act and to continue with its duties in keeping the Local Flood Risk Management Strategy updated.

## **10. Policy and Performance Agenda Implications**

The issues contained within this report support the following Corporate Priorities:

Priority 3: Ensuring all areas of Rotherham are safe, clean and well maintained

## **11. Background Papers and Consultation**

- Rotherham Metropolitan Borough Council - Local Flood Risk Management Strategy for Rotherham including consultation with Partners, Stakeholders, and Communities.
- Strategic Environmental Assessment\*
- Surface Water Management Plans\*
  - Wath\*
  - Forge Island\*
  - Anston\*
  - Aston, Aughton and Swallownest\*
- Floods and Water Management Act 2010
- Flood Risk Regulations 2009

\*(The documents are available for inspection at W:\Transport and Infrastructure\Road Maintenance\Drainage\LFRMS Documents or can be viewed via Democratic Services).

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