



**Economy Transport & Environment
Select Committee**

Report: Scrutiny of Flood Risk Management

2013

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Foreword

By Councillor Sharyn Wheale, Chairman of the Economy Transport & Environment Select Committee

The flooding experienced in Hampshire and across the country in early 2014 has highlighted the importance of managing flood risk. This scrutiny was undertaken prior to the recent flooding occurring, however I hope that the findings and recommendations remain relevant.



The committee concluded that effective partnership working is needed in order to deliver flood risk management successfully, due to the range of agencies involved. The committee was encouraged to find there is commitment to working in partnership from all concerned, and good foundations that can be built upon as new responsibilities like sustainable drainage are progressed.

The objective of the scrutiny was to identify what more we can be doing together to get the best outcomes for the residents of Hampshire. I hope this report contributes to supporting a proactive approach to the financial constraints we all face, to maximise the impact we can collectively have on managing flood risk in Hampshire.

I would like to thank the Members of the Select Committee, the stakeholders who contributed, and the officers supporting the committee, for their constructive input to this scrutiny review.

I anticipate this committee will maintain an interest in flood risk management going forwards, both to monitor responses to the recommendations made in this report, and to consider developments nationally and learning following the flood incidents of winter 2013/14.

A handwritten signature in black ink, appearing to read 'Sharyn Wheale', with a long horizontal flourish underneath.

Executive Summary

- 0.1 The Select Committee set out to scrutinise how partners work together to manage flood risk in Hampshire, particularly in terms of: attracting funding for flood risk management; managing overlapping responsibilities; implementing the requirements arising from the Flood and Water Management Act 2010 regarding sustainable urban drainage; and maintenance of flood risk assets. The Select Committee was encouraged that all local partners demonstrated an interest in working in partnership to manage flood risk, as the committee concluded that close working with partners is essential to tackle all the challenges the committee investigated.
- 0.2 The committee recognised that Hampshire faces a challenge in securing grant funding from central government for flood risk schemes when competing with other areas that score more highly under the current system. A clear message from the scrutiny was the opportunity for Member representatives on Regional Flood and Coastal Committees to champion schemes from their area, which has been picked up in a recommendation.
- 0.3 The committee welcomed suggestions made by partners about routes beyond central government funding that could be pursued to fund flood risk work, and noted that small scale measures could also be effective.
- 0.4 Given the flooding experienced in Hampshire since this scrutiny took place, Members will be interested to follow up on these incidents to identify if flood risk schemes would prevent this type of flooding in future, and if the funding environment will change as a result of reflections nationally on the flooding experienced this winter.
- 0.5 The committee found that a key area of overlapping responsibility in flood risk management is the involvement of riparian owners, district councils and the County Council in ordinary watercourses. The committee welcomes actions by the County Council under its role as Lead Local Flood Authority to provide a forum for information sharing among partner authorities. The committee noted that as far as possible, agreement across partners on priorities for flood risk management was desirable, and clarity of each organisations roles and responsibilities. It is recommended that the County Council as Lead Local Flood Authority takes forward work on this through a Memorandum of Understanding.
- 0.6 Members also identified that there were conflicting responsibilities for flood risk management authorities in terms of protecting the environment at the same time as undertaking works such as dredging to manage flood risk. It is recommended the balance of these priorities be reviewed by DEFRA.
- 0.7 Members learned that the County Council is due to become a Sustainable Drainage Approval Body in 2014, with guidance on the associated processes yet to be confirmed by central government. It is recommended this is rectified as soon as possible. Members were also concerned to find that the County Council will become responsible for the on going maintenance of sustainable drainage systems, with no confirmation of how this liability is to be funded. It is recommended this is addressed prior to implementation of this responsibility.

Members were reassured that joint working with district councils was being established to link the sustainable drainage requirements to the planning process.

- 0.8 The committee heard that each risk management authority has a programme of maintenance activity to maintain the flood risk assets they are responsible for, however it was acknowledged that budgets were under pressure and prioritisation of works was key. It was noted that private landowners had riparian responsibilities for watercourses (including ditches etc) on their land, and that this was not always well understood. It is recommended that as Lead Local Flood Authority, the County Council take a lead in ensuring appropriate maintenance of such watercourses takes place, using enforcement powers if necessary. In support of this it is recommended that County Councillors be used as a conduit to highlight riparian responsibilities in their wards.
- 0.9 Members also recognised that opportunities exist for communities to be empowered to undertake maintenance activities, using their local knowledge of flood risk. The committee recommends that mechanisms to support such activity through the charity the Flood Forum and through parish councils be explored.
- 0.10 The committee notes that another issue raised by stakeholders was the consistency and ease of access of information for the public, so that the public do not need to know which organisation is responsible for which type of flood risk. It is noted that the County Council's website already provides a range of clear information on flood risk and provides links to other risk management authorities where appropriate. However, relevant officers may wish to review opportunities to strengthen this based on the feedback from partners, including opportunities to use the 'flood identity' branding promoted by the Environment Agency.
- 0.11 The committee welcomed the support provided by partner agencies to this scrutiny. The Select Committee intends to monitor responses to the recommendations being made, and to hold a follow up session on flood risk management once issues such as the sustainable drainage requirements have progressed. Given the flooding that has been experienced in Hampshire since this scrutiny, Members will also wish to incorporate any lessons learned from this experience, and monitor whether responses to the recent flooding nationally result in any opportunities that could be taken advantage of in Hampshire.

Recommendations:

1) To the Executive Member for Economy Transport & Environment: That the importance of the Hampshire County Council Member representatives on Regional Flood and Coastal Committees is recognised, as an opportunity to champion Hampshire schemes when grant allocation is considered. That the appointed representatives be requested to provide feedback to the Select Committee on their experiences at RFCC meetings.

Associated Action: That this report is sent to current Hampshire County Council representatives on Regional Flood and Coastal Committees.

2) To the Department for the Environment Food and Rural Affairs: That the balance between environmental protection issues and flood risk be reviewed to ensure works such as clearance of vegetation in rivers can take place to alleviate flood risk.

3) To the Executive Member for Economy Transport & Environment: That as Lead Local Flood Authority the County Council seek to establish an agreed Memorandum of Understanding for managing flood risk issues that involve multiple authorities, to agree all parties roles and responsibilities. Once agreed to publish the Memorandum of Understanding.

4) To the Department for the Environment Food and Rural Affairs: That guidance on sustainable drainage be published as soon as possible to support Local Authorities in taking on this responsibility in April 2014.

5) To the Department for the Environment Food and Rural Affairs: That suitable funding for maintenance of Sustainable urban Drainage Systems be established before this new duty is implemented, in accordance with the government's commitment to assess and fund new burdens on local authorities.

Associated Action: That the committee hold a future session on flood risk, once there is further clarity of the implications of the sustainable drainage requirements.

6) To the Executive Member for Economy Transport & Environment: That the County Council reviews its processes for monitoring ordinary watercourses and actions, including the use of enforcement powers to improve the levels of maintenance carried out by riparian landowners in critical areas, and encourages the district councils to make proactive use of their permissive powers in relation to the maintenance of ordinary watercourses (as set out in the Flood and Water Management Act and the Land Drainage Act).

Associated Action: committee to revisit this at a follow up session to ensure lack of maintenance is not contributing to flooding incidents

7) To the Executive Member for Economy Transport & Environment: That all County Councillors be alerted to the responsibilities of riparian owners, to champion in their areas.

8) To the Executive Member for Economy Transport & Environment: That all County Councillors be informed about the Flood Forum, and the support it can provide to communities at risk of flooding to set up community-based flood action groups.

9) To the Executive Member for Economy Transport & Environment: That consideration be given to the opportunity to enable Parish Councils to undertake flood risk maintenance activities, for example through the Parish Lengthsman scheme.

1 Introduction

- 1.1 The Economy Transport & Environment Select Committee (at the time the Environment & Transportation Select Committee) agreed at the 11 June 2013 meeting to undertake scrutiny of flood risk management. At that meeting, the Select Committee considered the draft Hampshire Local Flood Risk Management Strategy prior to it being adopted by the Executive Member for Economy Transport & Environment. The committee wished to investigate the factors influencing the successful implementation of the strategy, and related duties under the Flood and Water Management Act; funding for flood risk management, overlapping responsibilities, sustainable urban drainage requirements and maintenance of flood risk assets.
- 1.2 The Flood and Water Management Act 2010 placed a duty on upper tier Local Authorities to scrutinise the flood risk management activities of the authorities designated risk management authorities by the act:
- The County Council, as Lead Local Flood Authority and as Highway Authority
 - The District and Borough Councils
 - The water companies
 - The Environment Agency
- 1.3 The objective was to use this scrutiny duty to bring partners together to discuss flood risk management, and how the organisations with a role in flood risk management can work together. The scrutiny process was used to question key witnesses, with a view to identifying areas where practice can improve, and useful steps that partners can take to improve flood risk management in Hampshire.

2 Context

- 2.1 This committee last looked into flooding in 2009/10, considering lessons learned since the 2007 floods and the Pitt Review. At that time, the committee concluded that partnership working on flooding was strong in Hampshire. Since then, the Flood and Water Management Act 2010 has taken forward a number of the recommendations arising from the Pitt Review, and elements of the Act have gradually been enacted since then, with some yet to be fully in force as of March 2014 (sustainable urban drainage requirements).

3 The Flood and Water Management Act 2010

- 3.1 According to the Department for Environment Food & Rural Affairs, the Flood and Water Management Act 2010 '*provides for better, more comprehensive management of flood risk for people, homes and businesses*'. The Act sought to simplify and clarify responsibility for flood risk management. Under the Act:

The Environment Agency is responsible for taking a strategic overview of the management of all sources of flooding and coastal erosion. The Agency also has operational responsibility for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea, as well as being a coastal erosion risk management authority.

Lead Local Flood Authorities (unitary authorities or county councils) are responsible for developing, maintaining and applying a strategy for local flood risk management in their areas and for maintaining a register of flood risk assets. They also have lead responsibility for managing the risk of flooding from surface water, groundwater and ordinary watercourses.

District Councils are key partners in planning local flood risk management and can carry out flood risk management works on minor watercourses, working with Lead Local Flood Authorities and others, including through taking decisions on development in their area which ensure that risks are effectively managed. District and unitary councils in coastal areas also act as coastal erosion risk management authorities.

Highway Authorities are responsible for providing and managing highway drainage and roadside ditches, and must ensure that road projects do not increase flood risk.

Water and Sewerage Companies are responsible for managing the risks of flooding from water and foul or combined sewer systems providing drainage from buildings and yards.

- 3.2 **Duty to co-operate:** The Act places a duty on all flood risk management authorities to co-operate with each other, and also provides Lead Local Flood Authorities and the Environment Agency with a power to request information required in connection with their flood risk management functions.
- 3.3 **Regional Flood and Coastal Committees:** Eleven Regional Flood and Coastal Committees have been established in England. These are responsible for ensuring coherent plans are in place for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines; for promoting efficient, targeted investment in flood and coastal erosion risk management; and for providing a link between flood risk management authorities and other relevant bodies to develop mutual understanding of flood and coastal erosion risks in their areas.
- 3.4 **Flood Risk Features:** Lead Local Flood Authorities are required to maintain a register of structures and features which are likely to have a significant effect on flood risk in their area.
- 3.5 **Sustainable Drainage:** Upper Tier Local Authorities are required to act as a Sustainable Drainage Approval Body (SAB), to approve drainage plans as part of major developments at the planning stage. The sustainable drainage system would then be adopted by the unitary or County Council, who would take on the long term maintenance. At the time of the committee's scrutiny, it was anticipated this part of the Act was due to come into force on 6 April 2014, and as of December 2013 supporting statutory instruments were awaited. Since then the government has signalled this start date is likely to be delayed.

4 Local Flood Risk

- 4.1 Hampshire County Council, as a Lead Local Flood Authority has a duty to produce a strategy for managing 'local' flood risk. Local flood risk covers the following types of flooding:

Surface water – This occurs when rainfall cannot soak into the ground, overwhelms the local drains and flows across the ground. It is often (but not exclusively) associated with high intensity rainfall and occurs very quickly during or after the rainfall event. Surface water flooding is often quite localised and is much more difficult to predict than river or coastal flooding. This means there is often limited advanced notice of this type of flooding.

Groundwater – water held within permeable rocks beneath the surface of the ground is known as groundwater. This can cause flooding when the water levels within these rocks rise above the surface. Levels of groundwater tend to respond to rainfall more slowly than water levels in rivers or on the surface. This slow response of groundwater levels also means that when groundwater flooding occurs it tends to last longer than other forms of flooding, often for several weeks or months.

Ordinary Watercourses (flooding from smaller rivers and streams) – this type of flooding occurs when a river cannot hold the volume of water which drains into it from the surrounding land (known as a catchment)

- 4.2 Flooding from other causes is the responsibility of other agencies to manage, however often different types of flooding combine, therefore the County Council works in partnership with those bodies in such cases:

Main Rivers – the Environment Agency is responsible for managing this flood risk

The Sea – the Environment Agency is responsible for managing this flood risk

Sewers – the water companies are responsible for managing flooding arising from their network of sewers

- 4.3 The Select Committee considered the draft Local Flood Risk Management Strategy (LFRMS) in June 2013, and recommended that it be adopted by the Executive Member for Economy Transport & Environment at his subsequent decision day. The LFRMS aims to produce a plan to reduce and manage flood risk in Hampshire (primarily local flood risk). It covers an understanding of flood risk in Hampshire, identifies the wards at highest risk of flooding and includes action plans for those areas. The strategy documents are available from the County Council's flooding webpages (see Appendix 5). At that meeting, the Select Committee resolved to hold a session later in 2013 specifically on flood risk management, to consider issues affecting implementation of the strategy.
- 4.4 At the time the scrutiny session was held (9 December 2013) Hampshire had not experienced significant recent flooding, so this was a pro-active session to get partner agencies together to discuss flood risk management in Hampshire. Since then, extensive flooding has been experienced across Hampshire and other parts

of the country in winter 2013/14. Therefore, this gives greater prominence to the findings of this scrutiny. The Select Committee will wish to follow up in future the aspects identified in this report, and any further learning resulting from the flooding experienced in winter 2013/14.

5 Approach

- 5.1 The following were identified as the key stakeholders in flood risk management:
- The County Council, as Lead Local Flood Authority and as Highway Authority;
 - The Hampshire District and Borough Councils;
 - The water companies operating in Hampshire (Thames, Southern, Wessex);
 - The Environment Agency
 - The Regional Flood and Coastal Committees covering Hampshire (Thames, Southern, Wessex) - These comprise representatives of lead local flood authorities and the Environment Agency, and they determine the distribution of funds for risk management schemes to the lead local flood authorities within their boundaries
- 5.2 The following were identified as key lines of inquiry to be investigated by the committee:
- **Funding**, and what can be done between the risk management authorities to attract more investment into flood risk management in Hampshire;
 - **Overlapping Responsibilities**, and how to ensure that various risk management authorities in Hampshire provide a coherent service to the public, minimising the risk of flooding and collaborating to manage its many overlapping sources;
 - **Sustainable Urban Drainage**, and how the forthcoming responsibility of the County Council to approve drainage systems on new developments can be integrated into a consistent and collaborative approach to both development and flood risk management across the authorities.
 - **Maintenance issues** – What are each organisations plans for maintenance of water courses/flood risk assets and how is this co-ordinated
- 5.3 The stakeholders identified were invited to provide written evidence in response to questions under each of the four lines of enquiry in October 2013. Responses were received from all types of flood risk management authority (a list of the organisations that responded is provided at Appendix 2). Select Committee Members considered the responses received, to focus the follow up questions to ask at the oral evidence session.
- 5.4 An event was held on 9 December 2013 to which representatives of all local risk management authorities were invited, which comprised a morning conference session, followed by a scrutiny oral evidence session in the afternoon. The event was well attended, with the morning session providing the context including presentations from the Director of Economy Transport & Environment at Hampshire County Council, the Head of Investment Programmes for Flood and Coastal Risk Management at the Environment Agency, the Chief Executive of Southern Water, and the Chief Executive of the National Flood Forum.

5.5 Key stakeholders were asked to provide witnesses to be questioned by the committee in a parliamentary select committee style oral evidence session, which took place in the afternoon. The following were represented:

- Hampshire County Council
- Environment Agency
- Water Companies
- Regional Flood and Coastal Committees
- District Councils

5.6 A list of the representatives who attended is provided at Appendix 3. The format used involved having all the witnesses in front of the committee at the same time, with committee Members pursuing questioning by theme, allowing each representative to contribute and respond to one another. This scrutiny was undertaken by the Economy Transport & Environment Select Committee, the membership of which is provided at Appendix 4.

5.7 The Select Committee Members have considered the evidence received in written form and what they heard at the oral evidence session, in order to arrive at recommendations to support flood risk management in Hampshire.

8 Findings

8.1 The committee found that all the agencies that provided evidence recognised the importance of partnership working, and demonstrated a willingness to work together:

'partnership working by all parties involved in local flood risk management groups is crucial and in line with the Government's aspirations following the Pitt Review.' (Southern Water)

'it is essential that all bodies work together effectively' (Environment Agency)

'partnerships between Risk Management Authorities and local communities are vital.' (Thames RFCC)

8.2 Working in partnership was seen as underpinning approaches to address the issues raised by the four aspects the committee had selected to investigate (funding, overlapping responsibilities, sustainable urban drainage and maintenance).

8.3 The County Council was congratulated by Southern Water for being proactive and getting partners together to discuss flooding without the motivation of a recent flood event.

9 Funding

9.1 The Select Committee identified funding for flood risk management work as an area to investigate, given the economic pressures being experienced in the public sector, and the new duties expected of the County Council under the Flood and Water Management Act. The Committee invited stakeholders to comment on how investment in flood risk management could be maximised in Hampshire.

9.2 In their written evidence, the Environment Agency acknowledged that *'securing enough funding for flood and coastal risk management work has historically been*

a challenge, with the need far outstripping available funding'. They went on to say that 'despite increased investment from central government in recent years, it is widely acknowledged that significantly more funding needs to be found. This is one of the key reasons Defra introduced the 'partnership funding' approach'.

- 9.3 Under the partnership funding approach, projects cannot simply rely on central government funding, and need to demonstrate financial input from local partners. This means that central government funding can contribute to a larger number of projects, however funding from other sources needs to be found.

Flood Defence Grant in Aid

- 9.4 Central government funding is distributed as Flood Defence Grant in Aid. Allocation is prioritised nationally based on ranking of projects according to a defined scoring system. In order for grant bids to be successful, projects need to demonstrate that a percentage of the funding required has been raised from local partners. The threshold was that the equivalent of 100% of the grant sought needed to be provided by partners, and Hampshire County Council submitted schemes for the 2014/15 funding round with scores of between 100% and 120%. However, the County Council reported in their written evidence that the threshold score has been raised to 256% and is expected to remain significantly above 100% for the next two to three years. Due to the increased partnership funding threshold, the County Council suggested there is *'little prospect of the County Council securing funding from this source'*.
- 9.5 The County Council argued that the grant allocation process made funding flood risk management schemes difficult as *'without the certainty that the schemes can be delivered as part of a longer term programme, it is challenging to plan and secure partnership funding from other public and private sources'*.
- 9.6 While other stakeholders such as Southern Water acknowledge that *'partnership working is crucial to bridge the gap between local needs and the availability of central funding'*, they also commented that while *'the new funding mechanism sets out to give more local choice, it gives greater emphasis on protecting those in deprived areas....based on the fact that households in these areas are less likely to be insured, can need more assistance than others in terms of flood recovery and they may be less able to contribute. Due to its socio-economic profile, much of Hampshire may therefore be less inclined to attract funding'*. There was also evidence that funding for flood risk schemes would prioritise schemes that address more than one risk. Thames Water noted that *'where investment cannot be proved to reduce the risk of flooding from all sources, it is difficult to secure funds'*.
- 9.7 Winchester City Council suggested that *'sharing knowledge and information about flooding and pooling expertise will assist bids for funding for flood risk management'*.
- 9.8 The Regional Flood and Coastal Committees suggested that Local Authorities consider a range of potential avenues for funding for flood risk projects, for example local businesses, developers or the local community. The Committee heard of successful examples where funding had been raised from businesses and local communities in other areas. The Environment Agency noted that

'FDGiA is only one source of funding and cannot fund all of the works needed. Other funding sources need to be identified and explored'.

Local Levy

- 9.9 Local Levy is set by Regional Flood and Coastal Committees, and charged to the Lead Local Flood Authorities in that region. The Regional Flood and Coastal Committee use this funding to support flood risk management projects that do not attract funding through Flood Defence Grant in Aid.
- 9.10 The County Council reported challenges in securing local levy funding as *'the call on the funding held by the Southern RFCC is dominated by significant coastal flooding issues in urban areas along the south coast'*, for the Thames RFCC *'Hampshire's priorities have to compete with the nationally higher priorities of the London Boroughs and Surrey with dense populations, which score more highly in the bidding process'* and *'The Wessex RFCC has a very small budget and includes only a small area of Hampshire'*.
- 9.11 The Committee heard that the Southern Region has the lowest level of Local Levy at £1m, whereas the Thames region has £10.5m in Local Levy to spend, therefore there are potentially more opportunities for funding projects in north Hampshire than South Hampshire. The Thames RFCC indicated that they would *'encourage bids from Hampshire and will be receptive to supporting their preparation'*.
- 9.12 The Regional Flood and Coastal Committees highlighted that *'one of the challenges we have seen across the region is the ability of Lead Local Flood Authorities to fund the early stages of a project to get it to a robust business case for investment. The Southern RFCC has a principle to use levy to help Risk Management Authorities to do this where possible. This work is prioritised based on what projects we think might attract FDGiA in future years'*. Local Levy is also used to fund smaller scale flood risk projects such as Property Level Protection works.
- 9.13 The Regional Flood and Coastal Committees can influence how Local Levy is spent, and the upper tier Local Authorities in the region are represented on these committees. Evidence from the County Council highlighted that *'the HCC Members on these committees have an important role to play in relation to investment in flood risk mitigation'*. The Southern RFCC identified the importance of *'well informed/briefed Members attending RFCC'* and that *'they will need to be knowledgeable about schemes within their patch and champion the outcomes to the rest of the RFCC for inclusion in the programme'*.
- 9.14 In response to this point the Select Committee **recommends:**

To the Executive Member for Economy Transport & Environment: That the importance of the Hampshire County Council Member representatives on Regional Flood and Coastal Committees is recognised, as an opportunity to champion Hampshire schemes when grant allocation is considered. That the appointed representatives be requested to provide feedback to the Select Committee on their experiences at RFCC meetings.

Associated Action: That this report is sent to the current Hampshire County Council representatives on the RFCCs.

Other funding opportunities

- 9.15 Given the difficult grant funding scenario, a number of partners suggested other ways in which flood risk authorities could work together to take forward flood risk management work in Hampshire. The County Council noted *'we cannot fund all the risk management activity proposed by all the risk management authorities; but we can work together to minimise the risk of flooding in general to residents of Hampshire'*. Thames Water agreed that *'by working in partnership we can ensure best value through development of synergistic solutions that address root cause rather than just symptom'*.
- 9.16 Local flood risk authorities such as Southern Water expressed interest in joint working on flood risk schemes. It was recognised that aside from applications for Flood Defence Grant in Aid, there were potential benefits to working collaboratively to deliver schemes. Thames Water indicated they were *'keen to work collaboratively with relevant agencies to better understand complex flooding mechanisms and where appropriate, contribute knowledge experience and information. Where the regulatory framework permits, we would also consider providing funding to support the delivery of improvement works'*.
- 9.17 The Thames Regional Flood and Coastal Committee highlighted the opportunity to link flood risk schemes to other types of development, indicating they were *'keen to know of any proposed development (including highway schemes) which could potentially enable cost effective integration of flood risk management into a partnership approach. Working to longer time horizons should help with planning for such opportunities'*. Southern Water also suggested that *'linking new development to funding flood protection measures is likely to be a key way of raising additional funding in the future'*. However, Members noted that such funding would be focused on new developments, and therefore it was unlikely this funding source could be used for schemes to alleviate flood risk for existing developments.

Small scale measures

- 9.18 While the outlook for funding large flood risk capital schemes is potentially challenging, the Environment Agency highlighted *'it is important to note that flood risk management is not always about building new flood defences. In many cases, lower cost options such as property resilience measures and working with those at risk of flooding can be more effective'*. The Flood Forum gave a presentation at the flood risk management event which supported this point, highlighting how small steps taken by communities can help manage flood risk, not just big flood defence schemes. It was noted that sometimes properties affected by flooding are not those that would be helped by traditional flood defence schemes. The Southern Regional Flood and Coastal Committee suggested that in areas where there is no built scheme available flood risk authorities consider *'investment in flood warning services and the development of community flood plans'*.

10 Overlapping Responsibilities

- 10.1 The committee was aware that different organisations have responsibility for different types of flooding, and wished to understand what challenges this presented, and the extent to which the Flood and Water Management Act had improved the situation following the Pitt Review.
- 10.2 Thames Water reported *'to date we have not experienced issues or challenges presented by perceived overlapping responsibilities'*. The Thames Regional Flood and Coastal Committee mentioned their *'admiration for the pragmatic way in which straddling 3 RFCC areas has been managed by Hampshire'*.
- 10.3 However, it was acknowledged that close working was required where responsibilities overlapped, for example in relation to 'ordinary' watercourses.

Ordinary Watercourses

- 10.4 The committee learned that both the County Council and District and Borough Councils had responsibilities with regard to ordinary watercourses. Both are Land Drainage Authorities and have permissive powers to encourage riparian owners to keep Ordinary Watercourse clear and free flowing. Winchester City Council reported that *'An understanding exists...that if an obstructed watercourse is causing problems to the public highway then HCC would intervene with WCC dealing with all other non highway related items. This understanding has worked well in the past and continuation into the future is advised'*.
- 10.5 New Forest District Council reported that the Flood & Water Management Act transferred enforcement powers for dealing with blocked or obstructed watercourses from district council level to LLFAs, which could cause problems when inspection was undertaken by district councils. It was suggested there was a *'need to clarify procedures appropriate to this situation'*.
- 10.6 Hart District Council reported that *'ordinary watercourse management will require close liaison between County and Districts regarding consenting for structures that may alter flows within these watercourses'*.

Information Sharing

- 10.7 New Forest District Council commented that the overlap of roles between authorities *'makes it essential to share information in a timely way'*. Partner organisations agreed that successful flood risk management is underpinned by effective information sharing. The County Council indicated that *'dialogue between risk management authorities is paramount to developing a shared understanding to help manage these challenges'*.
- 10.8 The Committee heard that the County Council had created a Hampshire Strategic Flood & Water Management Group, comprising representatives from across the County Council as well as the water companies, the Environment Agency, district and local councils (the latter through the Hampshire Association of Local Councils) and adjoining LLFAs. This had been established to take forwards the requirements of the Flood and Water Management Act, however the County Council reported that it had recently agreed a new terms of reference to enable a stronger focus on delivery. Sub groups had been established to address particular aspects of the Act including sustainable drainage. The County Council reported

that this dialogue *'did not exist to the same extent before the establishment of lead local flood authorities'*, and therefore this was a positive development resulting from the Act.

- 10.9 New Forest District Council referred to the Hampshire Land Drainage Working Group which operated from the 1990s to 2008 and met quarterly to share information. They suggested *'It would be helpful to recreate something similar...which would encourage more participation and involvement at district level'*.
- 10.10 The County Council called for *'regular and easy sharing of technical information'*. The other risk management authorities recognised the need for this, for example Wessex Water indicated *'we welcome data sharing and will continue to provide annual copies of our flooding data'*. Thames Water *'would welcome the sharing of names and contact details of key teams in relevant agencies. Regular (half yearly) forums would be valuable to share knowledge of new and on-going flood risk cases'*.
- 10.11 New Forest District Council *'is concerned that in the future it may no longer have up to date local flood information to work with [for examining planning applications from a surface water drainage perspective] unless we are kept fully informed of the outcomes of all investigations undertaken by HCC'*. Southern Water acknowledged they have *'a role to play in sharing our funded plans with local authorities, in order that they are aware of infrastructure improvements that are fully funded'* and that *'by regular and effective communication with flood risk management authorities, we hope to maximise the impact that we have on flood related issues in Hampshire'*. Hart District Council commented that they had *'considerable FRM experience, which extends to detailed knowledge of areas susceptible to flooding and the mechanisms behind previous events. This knowledge base is available to County officers'*.
- 10.12 The County Council referred in their written evidence to the creation of a communications protocol in response to flooding experienced in St Mary Bourne, noting that the *'chief lesson learned here is the importance of early decisive action in co-ordinating the efforts of the various authorities and building a consensus on what actions should be taken, ensuring united and consistent communication to local communities as soon as possible after the problem has been identified'*.
- 10.13 Wessex Water offered in their written evidence *'we would consider including the SUDs [sustainable urban drainage systems] and private drains assets to our Geographical Information System. This could be extended to include adding your known gullies and highway drains – to have one source of drainage records. To enable this, we are working on allowing LLFAs to be able to view our 'live' sewer records on your GIS'*. This opportunity was discussed at the oral evidence session, and the County Council was willing to link their data to other IT systems where possible.

Common Understanding

- 10.14 The County Council called for *'collaborative identification of flood risks in Hampshire with complex causes requiring action from multiple authorities, and agreed protocols to managing such risks'*. The Committee learned that all flood

risk authorities had knowledge of the types of flooding they were responsible for, however it was important that as far as possible the different organisations seek a common understanding of priorities. The Environment Agency suggested that *'all of the partners involved in flood risk management have knowledge and experience that when brought together can deliver multiple benefits for the communities that we serve'*. The *'challenge is to ensure we have a common understanding of the risk across Hampshire and a prioritised plan for securing the funding and delivering a coordinated programme of work to reduce the risks'*.

10.15 The Southern Regional Flood and Coastal Committee commented that *'clarity on roles and responsibilities and all proposed projects at an early stage is critical'*. Hart District Council agreed that overlapping responsibilities *'can be managed by clear and consistent goal and process targets being agreed between those parties involved'*. The Thames Regional Flood and Coastal Committee highlighted *'it is essential that all sources of risk are considered in an integrated way'* and encouraged *'a pragmatic approach to achieving the most effective way forward on a case by case basis'*.

10.16 The Environment Agency highlighted that it was important *'all parties understand each other's concerns, constraints, priorities and desires'*. New Forest District Council suggested a Memorandum of Understanding would be useful, *'setting out agreed roles and responsibilities...and identifying clearly the necessary lines of communication'*. Southern Water reported that in West Sussex the County Council had taken a strong lead role in partnership working in relation to flood risk. The Committee concluded that it would be useful for the County Council to take the lead in ensuring a foundation to support joint working. This could be through the development of a Memorandum of Understanding agreed with partners that clarifies responsibilities for flood risk management activity, and roles in situations where responsibilities overlap. This could include expectations for information sharing, and provide a basis for a shared understanding of partners constraints and seeking common priorities.

10.17 In response to these issues the Select Committee **recommends:**

To the Executive Member for Economy Transport & Environment: That as LLFA the County Council seek to establish an agreed Memorandum of Understanding for managing flood risk issues that involve multiple authorities, to agree all parties roles and responsibilities. Once agreed to publish the Memorandum of Understanding.

Environmental responsibilities

10.18 At the oral evidence session it was discussed that responsibilities to protect the environment could conflict with responsibilities to reduce flood risk, for example in relation to dredging of rivers. The Environment Agency representative commented that historically more extensive dredging had taken place, which had caused damage to habitat, and protections had been brought in to preserve habitats. Members concluded that the balance between protecting the environment and protecting people and properties from flooding could be revisited.

10.19 In response to this point the Select Committee **recommends:**

To Defra: That the balance between environmental protection issues and flood risk be reviewed to ensure works such as clearance of vegetation in rivers can take place to alleviate flood risk.

11 Sustainable Drainage

- 11.1 Members learned that the Flood and Water Management Act brought in a new responsibility for the County Council as a Sustainable drainage Approval Body (SAB). Large new developments would be required to include sustainable drainage, as a mechanism to ensure new developments address flood risk issues. The County Council would be required to approve a developers plans for sustainable drainage as part of the planning process, and would take on the future maintenance of the drainage systems once built. Noting that this responsibility was due to come into force in 2014, the Committee wished to investigate how the County Council was preparing for this duty.
- 11.2 At the time of the oral evidence session (9 December 2013) this part of the Act was due to come in to force on 6 April 2014, however the necessary statutory instruments had yet to be published. Since then, the government has indicated that implementation will be delayed, while technical aspects are worked on further. Members were concerned to learn that there is no specific funding to support this function. Members understand that the sustainable drainage approval function is planned to be self funding from the fees secured from the applications for SuDs approval.
- 11.3 New Forest District Council reported that 90% of the planning applications they deal with are for single properties and *'outside the remit of SAB'*. Hart District Council estimate that major planning applications to which the new measures will apply will amount to *'around 30 planning applications a year'* and *'this is likely to result in a significant resource issue for Hart and for those undertaking the SAB approval process'*.
- 11.4 Members welcomed the Environment Agencies offer that *'subject to available resources, we can offer our technical support to the SuDs Approval Board to help set it up and assist it in its early operations'*.

Joint Working

- 11.5 The County Council highlighted *'the need for the district councils and the County Council to work together is paramount when it comes to making the new drainage approval responsibility a success'*. Hart District Council agreed *'there will need to be significant coordination between those undertaking the SAB approval process and those dealing with planning applications, both officers and Planning Committees, to ensure that schemes granted planning permission are implementable'*. Hart indicated *'the provision of pre application SAB advice is offered. Hart would consider approaches from County regarding formal support to the HCC SAB function'*. New Forest District Council suggested that *'once SAB properly established a county wide working group open to all relevant organisations and including discussion of local issues would assist partnership working'*.
- 11.6 The County Council also offered to work with water and sewerage companies to ensure its policies on SuDs approval are complementary to the approach taken

by water companies and vice versa. Southern Water reported that they would consider building and maintaining sustainable drainage, and would take their plans through the Sustainable drainage Approval Body for consistency. Wessex Water also suggested *'there could be synergies in working together, for example having a 'shared' resource to inspect the SuDs and the downstream adoptable sewer'*.

Government Guidance

11.7 Winchester City Council identified that *'there are likely to be issues for HCC relating to the costs associated with the adoption and maintenance of SuDs under the new regime. Clear guidance and mechanisms need to be provided by Government to ensure that appropriate arrangements can be put in place to enable HCC to carry out its responsibilities and that its duties are appropriately funded'*. Committee Members were concerned that the duties around sustainable drainage were due to come into force in April 2014, with guidance on various aspects still awaited as of December 2013.

11.8 In response to this point the Select Committee **recommends**:

To Defra: That guidance on sustainable drainage be published as soon as possible to support Local Authorities in taking on this responsibility.

Process

11.9 The Committee learned that development planning lies with District and Borough authorities in Hampshire. The County Council has secured agreement in principle from the district authorities to a collaborative approach to delivery of this role. The committee heard that five pilots were underway to test the process and that New Forest District Council had a shared service agreement with the County Council which meant that *'the LD team will directly support the new SAB by helping to check and assess SuDS proposals from large developments across the County'*. Southern Water commented that *'it will be necessary to ensure up to date codes of practice are followed by developers, so that adopted infrastructure is developed to the required standards'*.

11.10 Stakeholders agreed that involvement at the pre-application stage was important in order to make implementing this duty a success. Winchester City Council confirmed their intention that *'SAB officers and planning officers communicate effectively as early as possible in the development process'*. Southern Water commented that *'early warning of developers intentions is crucial to Southern Water, to help us to fully review the capacity and resilience of our own infrastructure'* and Wessex Water indicated that they *'would welcome the opportunity to comment on pre-planning enquiries that affect property drainage'*. It was suggested that input at the pre-application stage would enable a smoother process when applications were submitted. It was noted that further work was needed to ensure that the fees charged for applications covered the resources local authorities put in to pre application advice.

Maintenance of sustainable drainage systems

11.11 Members were concerned to learn that arrangements had not been confirmed for how the long term maintenance of SuDs would be financed. It was noted that the County Council will be responsible for the long term maintenance of SuDs once adopted, so *'the proposed design submitted by the developer will need to be*

checked to ensure it is fit for purpose and that it will be practical to maintain at a reasonable cost in order to reduce the long term risk'. The County Council reported that 'how ongoing maintenance is to be funded is yet to be confirmed by Defra. However, currently Defra have indicated that the cost of such maintenance, once adopted, will be borne by the individual householder in the new development. It would be for the County Council to decide how to collect this money'.

11.12 In response to this point the Select Committee **recommends**:

To DEFRA: That suitable funding for maintenance of SuDs be established before this new duty is implemented, in accordance with the government's commitment to assess and fund new burdens on local authorities.

Associated Action: That the committee hold a future session on flood risk, once there is further clarity of the implications of the sustainable drainage requirements.

11.13 Thames Regional Flood and Coastal Committee also commented that *'it will be very important to promote what sustainable drainage entails and the exciting possibilities opened up. At present very few people have any idea what the approach involves.'*

12 Maintenance

12.1 Members were conscious that assets such as drains and ditches need to be well maintained in order to serve their purpose in periods of high rainfall to help prevent flooding. Thames Water agreed that *'many assets...lie inactive for lengthy periods and without effective exercising and maintenance cannot be relied upon to fulfil their intended function in the event of an emergency'*. Members wished to investigate maintenance responsibilities and how effectively this contributed to flood risk management. Stakeholders were invited to comment on their maintenance plans for flood risk features they are responsible for.

Maintenance Activities of Risk Management Authorities

12.2 The County Council reported that as highway authority it carries out *'routine cleansing of gullies, catchpits and separators'* and *'prioritised planned maintenance schemes'* as well as *'minor ad-hoc improvements/repairs'*. Members learned that the County Council *'is developing its register and record of structures and features affecting flood risk'*. It was noted this was *'work in progress, but populating it is now being prioritised'*. It was anticipated that in time *'this should provide a highly effective tool in co-ordinating maintenance across authorities and among private landowners, and ensuring that future development does not increase the risks of flooding'*.

12.3 The Environment Agency confirmed that they have an annual programme of maintenance work undertaken on a prioritised basis to reduce flood risk from main rivers and the sea. The Wessex Regional Flood and Coastal Committee commented *'we have to make some extremely tough choices on how we spend our maintenance allocation'*. They go on to say *'it is clear that our current level of funding will mean that an overall reduction in maintenance allocation is inevitable. We are working with land owners and agriculture to try and reduce the impacts.'*

- 12.4 Southern Water reported that they undertake *'a significant programme of proactive sewer maintenance'* and Thames Water *'adopts a risk based approach in the management of the public drainage network'*.
- 12.5 District Councils have powers to maintain ordinary watercourses. New Forest District Council reported that *'reduced maintenance spending has led to a reduced level of watercourse maintenance'*. New Forest indicated that *'for a number of years now the Council has done little routine maintenance itself but has worked with riparian owners to try to ensure that they undertake appropriate and timely maintenance works. However, the Council still retains a small maintenance budget to carry out very minor works that will provide wider benefits, or to take action where ownership of a problem watercourse can't be determined'*. Hart District Council confirmed that they *'check and clear 25 debris grilles places at strategic 'hot spots' within watercourses known to have flow issues...these grilles are also revisited after intense or prolonged rainfall to actively manage possible flood risk at these locations'*. It was suggested that *'flood risk in Hart has been significantly reduced by the active coordination of the various authorities involved to ensure water assets causing concern are maintained to a good standard where possible and agree capacity increases if required.'*
- 12.6 New Forest District Council commented that dealing with obstruction of ordinary watercourses is important as *'although small in scale and often overlooked NFDC believes that this work is fundamental to preventing some grass roots drainage issues from escalating into larger flood risk problems'*. It was suggested that *'regular inspection and a programme of routine maintenance would eliminate 90% of these problems, [flow constriction of watercourses] as demonstrated by the improvements in functioning of the New Forest critical ordinary watercourses brought about by a long term inspection/maintenance programme'*. There was concern from some districts that scaling back on maintenance due to resource pressures would store up problems for the future. The committee agreed that maintenance of flood risk assets was an important aspect of flood risk management.

Associated Action: committee to revisit maintenance at a follow up session to ensure lack of maintenance is not contributing to flooding incidents.

Riparian Ownership

- 12.7 The committee learned that landowners were responsible for maintaining watercourses running through their land, and that this was known as riparian ownership. The County Council highlighted that *'an important lesson which emerged from the preparation of the Local Flood Risk Management Strategy was that the relatively small scale actions which can be taken by private (riparian) landowners are especially important to alleviating flooding through better management of water courses'*. However, there was some concern that riparian ownership was not always well understood.
- 12.8 The County Council suggested that *'much local flooding is due to the neglect of maintenance or a lack of understanding among private landowners or householders of their responsibilities for watercourses on their land'*. In response, the County Council has produced guidance for these landowners *'as simple and easily reproduced leaflets and on the HCC flood website, along with information*

on how to apply for ordinary water course consent, which is required for any works on or close to ordinary water courses’.

- 12.9 Hart District Council commented that *‘the overall issue of watercourse maintenance appears to remain a very low priority for the majority of landowners. Many are unaware of this responsibility...a coordinated awareness campaign would help address this...From experience, many Parish Councils are in contact with local landowners and it is suggested they would be in a more favourable position to promote awareness, with guidance from [RMAs] as appropriate’.*
- 12.10 New Forest District Council agreed that there were non main river watercourses in private ownership in their area, *‘some of which are not well maintained. In the past the Council has undertaken maintenance work, or provided financial assistance to landowners to undertake works, where wider FRM benefits could be obtained. We believe this has made a significant positive contribution...but greatly reduced resources have now restricted the ability to continue this work. Joint action between NFDC and HCC is needed to prevent the situation deteriorating’.*
- 12.11 Wessex Regional Flood and Coastal Committee reported that there were *‘national trials looking at how we can reduce our regulation to allow riparian owners to carry out maintenance works and with conservation bodies to ensure that any maintenance works carried out are done in accordance with the Habitat regulations’.*
- 12.12 The Environment Agency acknowledged that *‘the greatest challenge facing future maintenance is delivering an effective programme with increasing pressure on limited maintenance budgets. Prioritisation on a risk basis is the only way the programme of maintenance can be managed. In the future, it will be necessary to liaise ever closer with riparian owners, especially in low risk catchments, to encourage them to undertake maintenance on their own watercourses’.*
- 12.13 Winchester City Council suggested that *‘lack of maintenance of watercourses by riparian owners leads to many flooding problems especially to the public highway....It may be necessary to transfer responsibility for watercourses next to the public highway to the Highway Authority to ensure that they are properly maintained’.* The Select Committee explored this suggestion at the oral evidence session.
- 12.14 The County Council representatives commented that as Highway Authority the County Council was responsible for over 6,000km of highways, and adopting watercourses adjacent to the highway would cost £11 a metre, therefore this would be a costly approach. Members felt this could be considered just for high risk areas, as it could be cost effective to undertake maintenance in preference to responding to a flooding incident. This option was investigated following the oral evidence session, and advice was received that the County Council did not need to adopt watercourses in order to carry out works to manage flood risk. The Land Drainage Act 1991 allows the County Council to serve notice on the individual responsible for repair or maintenance of a watercourse. Where the individual fails to deliver the scope of the notice, the County Council may carry out the work. The Environment Agency concurred that *‘risk management authorities have permissive powers to undertake work on behalf of the riparian owner if it is considered to be an effective use of public money and funding is available’.*

12.15 In response to these points the Select Committee **recommends**:

To the Executive Member for Economy Transport & Environment:

That the County Council reviews its processes for monitoring ordinary watercourses and actions, including the use of enforcement powers to improve the levels of maintenance carried out by riparian landowners in critical areas, and encourages the district councils to make proactive use of their permissive powers in relation to the maintenance of ordinary watercourses (as set out in the Flood and Water Management Act and the Land Drainage Act).

That all County Councillors be alerted to the responsibilities of riparian owners, to champion in their areas.

Communities

12.16 The Environment Agency suggested that *'the local community need to take ownership of their local flood risk and be encouraged to undertake minor maintenance works'*. It was highlighted that *'local communities have knowledge of the local flood risk issues in their area and how they can be addressed – this needs to be tapped into by the risk management authorities'*. The Thames Regional Flood and Coastal Committee agreed that *'involving the community and creating a sense of ownership and involvement can be particularly beneficial when it comes to securing contributions and support for longer term maintenance'*. The Southern Regional Flood and Coastal Committee too noted that *'revenue streams for maintenance are being reduced by central government'* and that *'empowering landowners and communities to undertake their own maintenance could be a way to overcome this'*.

12.17 Thames Water highlighted that *'Volunteer Flood Wardens are being promoted by Defra & the EA and LLFAs could provide tools, equipment and training that would empower the community to take steps to reduce the risk of flooding'*. Wessex Water supported this, noting that *'highway gully maintenance can also be a key factor increasing flood risk. Having local flood wardens could assist in clearing these blockages to reduce the flood risk'*.

12.18 At the morning session on 9 December Members heard a presentation from the National Flood Forum, a charity which supports community flood action groups. Members considered that community flood action groups would be beneficial, and that wider take up of this should be encouraged.

12.19 In response to these points the Select Committee **recommends**:

To Executive Member for Economy Transport & Environment: That all County Councillors be informed about the Flood Forum, and the support it can provide to communities at risk of flooding to set up community-based flood action groups.

12.20 The County Council *'recognised that by working with parishes an opportunity existed to improve local responsiveness'*. It was commented that the re-introduction of the role of Parish Lengthsman provided an opportunity for *'a more*

local and flexible response to water course maintenance to mitigate local flood risk. The Thames Regional Flood and Coastal Committee also indicated an interest in wanting to *'investigate the potential for strengthening partnerships with parish councils'*.

12.21 In response to this point the Select Committee **recommends**:

To Executive Member for Economy Transport & Environment: That consideration be given to the opportunity to enable Parish Councils to undertake flood risk maintenance activities, for example through the Parish Lengthsman scheme.

12.22 Stakeholders also noted the importance of sharing plans between partners for infrastructure and maintenance. The Environment Agency commented that *'sharing maintenance programmes and how they are delivered between flood risk management authorities should enable further efficiencies to be made'*. Representatives at the oral evidence session agreed that in a climate of reduced resources, prioritisation of maintenance works was important, as well as working together to align priorities across partners.

13 Other

13.1 Stakeholders were given the opportunity to provide any other comments on flood risk management to the committee. A number of stakeholders raised the issue of ease of access for the public of information about flood risk.

Consistency and ease of access of information for the public

13.2 The Thames Regional Flood and Coastal Committee suggested it would be beneficial to have all information about flooding in one place, as members of the public should not be expected to know which organisation was responsible for which type of flooding. They identified that it was *'important to streamline the way flood risk is communicated to the public and wider partners'*, for example having maps for all types of flood risk available in one place. It was noted *'a member of the public should be able to contact one place for help on all types of flood risk and be directed to the right help straight away'* and that *'jargon and acronyms should be stripped away wherever possible'*. The coastal committee commented *'if we are to attract funding contributions, we need to enable people to engage'*.

13.3 Hart District Council supported this point, highlighting the 'flood identity' branding used by the Environment Agency to create a consistent look and feel to flood information regardless of which organisation or group it comes from. Hart suggested *'this initiative would be a good opportunity to launch a consistent message from the RMAs within Hampshire, to Parish Councils and members of the public to highlight the various issues faced at present'*. New Forest District Council agreed that *'advice and information for the public needs to be consistent'* and suggested that *'HCCs FRM website could be developed into a one stop shop for all types of FRM information'*.

Follow Up

13.4 Committee Members were mindful that issues relating to sustainable drainage were unclear as further information was awaited from central government, and therefore indicated their intention to hold a follow up session in future once these

issues had progressed. Given the flooding experienced in Hampshire since the event held in December 2013, this reinforces Members interest in continuing to monitor flood risk management.

14 Conclusions

- 14.1 The Select Committee was encouraged by the willingness of all local flood risk management partners to work together to tackle flood risk in Hampshire.
- 14.2 The Select Committee set out to investigate what can be done to attract investment into flood risk management in Hampshire. The committee concluded that the current mechanism for applying for the major central government funding Flood Defence Grant in Aid meant there was limited chance for Hampshire to be successful in securing funding from this source.
- 14.3 There was a view from some, such as New Forest District Council, that *'despite an increase in the 2013 spending round investment is still not enough to meet the growing flood risk'*. There is now a national debate about investment in flood risk following the floods experienced across the country in the winter of 2013/14. The committee will be interested to follow any developments arising from this.
- 14.4 Local Levy is a potential source of smaller scale funding, however again schemes to address local flood risk (which the County Council is responsible) have to compete with other areas and other types of risk. The importance of elected Member representation to champion Hampshire schemes emerged from the debate on this, and the committee is making a recommendation to highlight this.
- 14.5 The Committee concludes that there could be opportunities for the County Council to pursue other methods to fund flood risk management work, through joint working with partners and exploring opportunities to gain contributions from developers and businesses where relevant. However, it is acknowledged this will be for smaller scale works.
- 14.6 With regard to overlapping responsibilities, the area that was most often highlighted was the involvement of both the County Council and District Councils in ordinary watercourses. The committee concludes that effective information sharing will assist with managing this overlap, and supports the use of the Strategic Flood & Water Management Group as a forum involving relevant agencies to facilitate this, if this meets the needs of partner authorities.
- 14.7 The communications protocol created by the County Council in response to flooding in St Mary Bourne would appear to be a good example of the County Council taking a lead to ensure the efforts of the various risk management authorities are coordinated. The committee recommends the County Council develop a general Memorandum of Understanding to establish all parties roles and responsibilities, to help support a common understanding of how flood risks will be managed in Hampshire.
- 14.8 The committee also concludes that there would be benefit to DEFRA reviewing the balance between environmental protection responsibilities and responsibilities to manage flood risk, in relation to works such as dredging of rivers.

- 14.9 The Committee was reassured that a good start has been made in joint working between the County Council as Sustainable drainage Approval Body and the District and Borough Councils as Planning Authorities, to implement the requirements to approve applications for sustainable drainage on new developments. However, the committee was concerned that at the time of the scrutiny the responsibility was due to come in to force in less than six months and supporting regulations were yet to be published. The Committee is also concerned that the requirement for the County Council to take on the long term maintenance of sustainable drainage systems could be a considerable liability, with how this is to be funded yet to be determined. The Committee concludes that these issues need to be resolved in the near future, to support the implementation of this duty, and makes recommendations to DEFRA accordingly.
- 14.10 With regard to maintenance of flood risk features and water courses the committee has some concerns that maintenance activities are under pressure due to the reductions in public sector budgets. The committee wishes to revisit this issue at a future session, particularly in the light of the flooding experienced in 2013/14, to consider the extent to which maintenance activities can help prevent future flooding. The committee notes the responsibilities of riparian landowners to maintain ordinary watercourses, and recommends that the County Council take a more robust approach to ensure such maintenance takes place. The committee also concludes that communities could be empowered to undertake maintenance activities based on local knowledge of areas liable to flooding, with support from the Flood Forum or through parish councils.
- 14.11 While not in the scope of the areas the committee set out to investigate, a number of stakeholders commented on opportunities to improve the ease of access for the public to information about flood risk. The committee is not minded to make recommendations on this aspect at this time, but invites the Executive Member for Economy Transport & Environment to note the feedback provided by partners.
- 14.12 The committee concluded that it would be beneficial to hold a follow up session in future on flood risk management, to revisit aspects such as sustainable drainage once this has progressed. As flooding has now been experienced in Hampshire since this scrutiny, this will also provide an opportunity to pick up on any learning from these incidents.
- 14.13 The committee would like to thank partners for contributing to this scrutiny, and looks forward to monitoring responses to the committee's recommendations, and continuing to support joint working to manage flood risk in Hampshire as effectively as possible.

Acronyms

DC – District Council

DEFRA – Department for Environment Food and Rural Affairs

EA – Environment Agency

FDGiA – Flood Defence Grant in Aid

FRM – Flood Risk Management

FWMA – Flood & Water Management Act 2010

HCC – Hampshire County Council

LFRMS – Local Flood Risk Management Strategy

LLFA – Lead Local Flood Authority

LPA – Local Planning Authority

RFCC – Regional Flood and Coastal Committee

RMA – Risk Management Authority

SAB – Sustainable drainage Approval Body

SuDs – Sustainable urban Drainage systems

Providers of Written Evidence

Hampshire County Council

Environment Agency

Southern Regional Flood and Coastal Committee

Wessex Regional Flood and Coastal Committee

Thames Regional Flood and Coastal Committee

Southern Water

Wessex Water

Thames Water

New Forest District Council

Hart District Council

Winchester City Council

Providers of Oral Evidence

Meeting: Economy Transport and Environment Select Committee

Date and time: Monday 9 December 2013 at 1:20pm

Place: Ashburton Hall, Elizabeth II Court, The Castle, Winchester

Themes and Timing:

1:25pm to 1:50pm: Funding

1:50pm to 2:15pm: Overlapping Responsibilities

2:15pm to 2:40pm: Sustainable urban Drainage

2:40pm to 3:05pm: Maintenance issues

Witnesses:

Hampshire County Council as Lead Local Flood Authority and Highway Authority

- Linda Tartaglia-Kershaw, Head of Strategic Environmental Delivery

supported by

- Pete Errington, Strategic Planning Manager leading on the Local Flood Risk Management Strategy
- Steve Blyth, Planning Lead Green Infrastructure
- Tim Lawton, Head of Highways West

Environment Agency

- Andrew Gilham, Flood & Coastal Risk Manager, Solent and South Downs Area

Southern Water

- Mark Thompson, Head of Wastewater Assets

Southern Regional Flood and Coastal Committee

- Lorraine Brown, Chair

Hampshire District/Borough Council

- Doug Wright, Principal Engineer, New Forest District Council

Supported by colleagues from New Forest District Council

Membership of the Economy Transport & Environment Select Committee
at the time of the scrutiny

Councillor Sharyn Wheale (Chairman)
Councillor Geoff Hockley (Vice-Chairman)
Councillor Graham Burgess
Councillor Charles Choudhary
Councillor Shaun Cully
Councillor Philip Fawkes
Councillor Brian Gurden
Councillor Edward Heron
Councillor Roger Huxstep
Councillor Rupert Kyrle
Councillor Peter Latham
Councillor Steve Rippon-Swaine (did not take part in the meetings due to a disclosable pecuniary interest due to his employment as a consultant with the Environment Agency)
Councillor David Simpson
Councillor Mark Staplehurst

Further information is available on the County Council's website:

<http://www3.hants.gov.uk/yourcountycouncillors/findyourcouncillor/findyourcouncilloraz.htm>

Background Documents and Further Information

Written Evidence provided by stakeholders is available alongside the agenda for the oral evidence session on the County Council's website:

http://www3.hants.gov.uk/councilmeetings/meetingssummary.htm?date_ID=1310

Or is available on request from Democratic and Member Services:

Member.services@hants.gov.uk

Democratic & Member Services
Governance – Corporate Services
Hampshire County Council
Elizabeth II Court South
The Castle
Winchester
Hampshire
SO23 8UJ

The Hampshire Local Flood Risk Management Strategy and other flooding related guidance is available from the County Council's webpages:

<http://www3.hants.gov.uk/flooding.htm>

Further details on the Flood and Water Management Act and associated government guidance are available from the governments webpages:

<http://www.legislation.gov.uk/ukpga/2010/29/notes/division/3>

<https://www.gov.uk/flood-risk-management-information-for-flood-risk-management-authorities-asset-owners-and-local-authorities#overview>