



Environment and Transport Select Committee  
6 March 2013

## **Surrey Local Flood Risk Management Strategy/ Sustainable Drainage Approving Body**

**Purpose of the report:** Scrutiny of Services and Budgets/ Policy Development and Review

To provide an update on the Lead Local Flood Authority (LLFA) regarding the local strategy and the Sustainable Drainage Approving Body (SAB).

### **Introduction:**

1. In November 2012, the Environment and Transport Select Committee agreed to consider the Surrey Local Flood Risk Management Strategy and proposals for a SAB at its meeting in March 2013.

### **Surrey Local Flood Risk Management Strategy**

2. Public consultation on the Surrey Local Flood Risk Management Strategy took place from September to December 2012. It is a statutory document required under the Flood and Water Management Act 2010. Surrey was one of the first Lead Local Flood Authorities to publish such a strategy. The list of questions we asked in our leaflet and online survey is at Annex 1. Some quotations from the consultation feedback are provided in the report in italics.
  - 2.1 There were 119 responses to the public consultation. 84% of responses were from residents and 14% represented a community group or a parish council.
  - 2.2 The organisations that responded included the Environment Agency, Highways Agency, Land Management Services (Ministry of Defence) and eight Surrey borough and district councils. A full list of the organisations that responded is at Annex 2.
  - 2.3 We reached 80% of county councillors and many borough and district councillors through further engagement. This included presentations to nine local committees (a public or private meeting). We held a member seminar in September 2012. The level of interest highlights the important role of our elected representatives in communications on local flood risk management.

2.4 We also met with a number of dedicated groups: the Lower Thames Planning Officers Group; Surrey Gypsy and Traveller Communities Liaison Forum; a strategy sub-group of the Surrey Flood Risk Partnership Board; a group of relevant officers in the county council; and Surrey borough and district drainage engineers.

2.5 Surrey Chambers of Commerce invited its network of around 8,000 businesses to contribute views in a Weekly News item. None of the consultation respondents identified themselves as representing a business.

3. Overall those that responded to the consultation felt we are heading in the right direction, even if they had some reservations (total 94%). They also agreed with our ambitions (total 98%), even if they had some reservations. 59% of respondents said they need further information to help understand who is responsible for what and what support they could expect. 90 respondents provided additional comments, such as:

*'The draft LFRMS is comprehensive, informative and suitably aspirational. It is also opportunely well-timed in seeking a more holistic view of flooding and the approaches for its containment.'*

*'The recent flooding in other parts of the country has highlighted the need to have a strategy – for all the areas you have highlighted, including drainage, infrastructure and insurance.'*

*The importance of the local community engagement in all stages of the Flood Risk Management Strategy cannot be overemphasised. They know their area better than any agency...they can provide early warnings...and identify/ assist vulnerable people threatened by flooding.'*

*'Most landowners know they have a responsibility to keep ditches clear but they seem to be very lax.'*

*Unfortunately, in my experience, with so many bodies involved, it is far too easy for the various Authorities to pass the buck and blame others.'*

3.1 As well as property-level flooding respondents were concerned about potential dangers to road users and pedestrians. Some respondents were concerned about the impact of heavy rainfall and 'flash-flooding' including runoff from private land. Respondents identified many localised instances and long-term flooding problems.

3.2 The 31 comments on our ambitions almost exclusively recommended better road drainage. This emphasises the importance of our ambition for a long-term drainage asset management strategy.

3.3 We will use the feedback to update the strategy as follows:

- Improve the look and feel of the strategy document and produce an executive summary.

- Make some technical corrections to the content, including more detail on local areas where it is available.
- Insert case studies with new information and draw attention to positive initiatives.
- Include roles and responsibilities of landowners.

3.4 As the LLFA, we will continue to document and track the many local flood risk issues raised in the consultation and share these with any other flood risk authorities involved. We will also use feedback on how respondents want to be updated on flood risk management activity to develop our communications approach.

3.5 We will take account of the issues and priorities of other risk management authorities, which included:

- Establishing a realistic level of flood risk to accept.
- Continuing to review the cost benefits of measures.
- Taking full account of flood risk in the planning system.
- Recognising the importance of sewerage system improvement.
- Continuing to reduce risk to road users' safety and and improve journey time reliability.
- Understanding the risks and hazards which are made worse by the potential impact of climate change.
- Accounting for the requirements and implications of the EU Water Framework Directive (WFD).
- Continuing to identify opportunities for schemes to achieve multiple objectives.
- Provision for delivering on wider environmental objectives.

3.6 The Surrey Flood Risk Partnership Board will consider further actions related to partnership working. To reflect feedback from local committees and individual members, the Chairman Jason Russell has invited all Surrey borough and district councils not currently on the board to join.

3.7 In response to officer feedback, we will continue to develop cross-boundary working. This includes partnership working, where practical, with the South East Seven authorities, Thames Regional Flood and Coastal Committee, Lower Thames authorities and others.

#### **Establishment of Sustainable Drainage Approving Body (SAB)**

4. The Committee received an update on 12 January 2012 outlining the new duties. Considerable work has been undertaken in the interim to develop and test options. These were reported to the E&I Departmental Management Team on 12 December 2012 and are outlined in the Cabinet Member paper, dated 25 January 2013, included in Annex 3. Although the Government has not yet implemented Schedule 3 of the Flood and Water Management Act 2010 we are developing a SAB with the intention of a phased introduction from April 2014.

4.1 As summarised by Defra, the key provisions in Schedule 3 of the Act are set out below:

- A SuDS Approving Body (SAB) is created in unitary or county councils.
- SABs must approve drainage systems for managing rainwater in new (re)development before construction begins.
- Secretary of State must publish National Standards for the design, construction, operation and maintenance of SuDS.
- SABs must approve drainage systems they judge to comply with the National Standards.
- SABs must adopt and maintain approved SuDS that serve more than one property; where the SuDS function is approved.
- The Water Industry Act 1991 is amended to make the right to connect surface runoff to public sewers conditional on the drainage system being approved by the SAB.
- Sewerage Undertakers, Environment Agency, Internal Drainage Boards, British Waterways and Highway Authorities to be statutory consultees to the SAB.

4.2 Government is developing the national standards as well as the secondary legislation required to implement these SuDS measures. To complement this, we are producing regional guidance with the 'South East 7' (SE7) partners. This is to aid developers designing schemes and to regularise features that are likely to be offered for adoption and then become a maintenance liability for the council.

4.3 In summary, we considered five options as follows:

- A) A SE7-wide body
- B) Surrey County Council in-house operation
- C) Partnership working with Surrey district and borough councils
- D) Full delegation for delivery through Surrey district and borough councils
- E) Delivery by a contractor.

4.4 There is uncertainty surrounding the date and scope of the SAB. Economic situations are changing, which affects the level of planning and building control figures the SAB would need to respond to. So we will adopt a flexible approach. Overall we prefer Option C. We have discussed the potential for partnership working with all Surrey district and borough councils. There is currently interest to develop joint working arrangements with three of them. We want to retain existing knowledge and expertise in the county.

4.5 Defra is currently proposing to cover the costs of maintaining new SuDS in developments for the first three years. This is considered to be low initially but the long-term costs are largely unknown at present although commuted sums would be negotiated.

## **Conclusions:**

5. We will update the strategy to reflect key issues of concern.
6. We will continue to prepare for the phased implementation of the SAB in response to the future implementation of Schedule 3 of the Flood and Water Management Act 2010.

### **Financial and value for money implications**

7. The strategy states our intent to be ambitious in Surrey to our approach to securing national and additional funding sources. In January 2013 the Thames Regional Flood and Coastal Committee voted to increase the Local Levy on relevant councils. This will increase the Local Levy funding available to £10.5 million in 2013/14. Information provided by the Environment Agency, and available at the time, suggests that Surrey will benefit in the region of £37 million to 2017.

### **Equalities Implications**

8. Only seven respondents (16%) were willing to answer some equality and diversity questions in the public consultation on the draft strategy. We consider this a low response. We will publish a full equality impact assessment with the final strategy.
9. The Surrey Gypsy and Traveller Communities Liaison Forum responded to the public consultation. Issues identified were inundation of static sites sometimes over prolonged periods during flood events. Older people and children are likely to be at most risk. The community is under-supported by insurers. We will use this learning to identify what we and partners can do to help this community with respect to flood risk and flood events.

### **Risk Management Implications**

10. Extreme weather events, continued building on floodplains and limited funding collectively affect how we are able to respond to flood incidents in Surrey. The strategy provides a real opportunity for us to work together with residents and businesses to promote 'self help', reduce risk and prepare for the future.

The Environment Agency defines flood 'risk' as a combination of the likelihood of floods occurring and the consequences that can happen when they do occur. To manage the risks, we are improving our understanding of them. This will reduce the likelihood of incidents happening. It will help us to manage the potential consequences to people, businesses, infrastructure and services.

Our partnership approach to all types of flooding will help us to manage risks. Our studies, such as surface water management plans in Epsom & Ewell and Woking, consider the interaction between surface water and sewage flooding. Joint work on strategic flood risk assessments and developing joint funding bids across neighbouring authorities will ensure

that all flood risks within a catchment (a broader area than a district or a borough) are taken into account.

### **Recommendations:**

11. It is recommended that the Committee notes:
  - a) The summary of responses to public consultation on the Surrey Local Flood Risk Management Strategy and how we are responding to them.
  - b) The rise in the Local Levy (section 7).
  - c) The role of Flood and Water Services Manager is advertised to lead future development of the SAB in Surrey.
  - d) The above commences the establishment of the SAB, based on Phase1 and/ or Phase 2 of Option C (or a hybrid of other options) detailed in Annex 3, which provides the flexibility to adapt to changed circumstances and demands, through negotiations with Guildford, Runnymede and Reigate & Banstead Borough Councils.
  - e) The committee considers appropriate ways for ongoing consultation with members at the appropriate time.

### **Next steps:**

The Surrey Flood Risk Partnership Board will meet on Friday 15 March. The board will consider the feedback to the public consultation. Surrey County Council Cabinet will consider the final draft of the strategy in May 2013.

We will complete a Habitats Regulations Assessment and a final Strategic Environmental Assessment.

We will recruit the Flood and Water Services Manager, initially for a fixed two year fixed term period to further develop Option C.

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### **Sources/background papers:**

Report to Environment & Transport Select Committee held on 8 November 2012.

Report to Environment & Transport Select Committee held on 12 January 2012.

Report to Cabinet Member on 25 January 2013.

Survey Monkey summary report: Draft Surrey Flood Risk Management Consultation 2012 (unpublished).

Draft Surrey Local Flood Risk Management Strategy 2012.

Flood and Water Management Act 2010.

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