



## REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE - 2ND JULY 2013

**SUBJECT: THE IMPLICATIONS OF THE FLOOD RISK REGULATIONS 2009 AND FLOOD AND WATER MANAGEMENT ACT 2010  
UPDATED FLOOD MAPS FOR SURFACE WATER**

**REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE**

### 1. PURPOSE OF REPORT

- 1.1 To advise members of the current situation and progress made to date regarding the implementation of the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010.

### 2. SUMMARY

- 2.1 Under the Flood Risk Regulations 2009 Caerphilly County Borough has been designated as a Lead Local Flood Authority (or LLFA). As such it has a responsibilities to produce various documents to the time schedule listed below:

Stage	Lead	Deadline	Progress
<b>First Cycle</b>			
The Preliminary Flood Risk Assessment Report (PFRA) determined the extent of the Flood Risk Areas. The report has been approved by the Welsh Government and published by CCBC.	LLFA	22 Dec 2011	Achieved
Local Flood Risk Management Strategy (LFRMS) – Completed and published. Approved by Welsh Government on 15 April 2013.	LLFA	31 March 2013	Achieved
Flood Maps for Surface Water (FMfSW) – feedback by CCBC.	LLFA	22 June 2013	Ongoing, will be completed by 22 June 2013
Flood Maps for Surface Water (FMfSW) - to be published.	NRW	22 Dec 2013	Will be published by WG by 22 Dec 2013
Flood Risk Management Plans (FRMP) to be prepared by CCBC	LLFA	22 June 2015	Work to commence on receipt of the guidance from WG, which is due by the end of June 2013
Flood Risk Management Plans reviewed and published	NRW	22 Dec 2015	To be carried out by WG between June and Dec 2013

Stage	Lead	Deadline	Progress
<b>Second Cycle</b>			
Review Flood Risk Management Strategy following completion of the FRMP	LLFA	30 June 2016	Work will commence on completion of the FRMP in Dec 2015
The second cycle will commence with the review and updating of the PRFA.	LLFA	22 June 2017	

This report gives an update as to the current progress of this process.

### 3. LINKS TO STRATEGY

- 3.1 To make Caerphilly a safer place to live by increasing public confidence in the services we deliver as noted in the Single Integrated Plan – Safer Caerphilly - **A Safer Caerphilly** is one in which all residents: Are safe and feel safe inside their homes and out in the community.
- 3.2 To contribute to improving sustainability by utilising appropriate sustainable options within design and construction. As noted in the Single Integrated Plan - **A Greener Caerphilly** aims to: safeguard and, where necessary, enhance the living environment in the Caerphilly county borough for its own sake.

### 4. BACKGROUND

- 4.1 On the 1 April 2013 a new body was established in Wales namely Natural Resources Wales (NRW) which is an amalgamation of the Environment Agency - Wales, Forestry Commission and Countryside Council for Wales. Reference to NRW in this document takes the place of the EA in previous reports.
- 4.2 Following the significant flooding in England and Wales in 2007, the UK government appointed Sir Michael Pitt to undertake an independent and detailed review of flood risk management in England. Pitt's recommendations were wide ranging and recognised the public did not understand nor particularly care what type of flooding they were suffering and which organisation would take the lead in dealing with this issue. There needed to be a co-ordinated response and surface water flooding, in particular, needed a lead agency.
- 4.3 Following the report and the need to transpose the EU Floods Directive, the UK Government published two key pieces of legislation - the Flood Risk Regulations 2009 (transposing the EU directive) and the Flood and Water Management Act 2010 (taking forward Pitt's key recommendations).
- 4.4 Under the Act the Council has been given the additional responsibility of dealing with surface water flooding as a lead local flood authority.
- 4.5 The risks associated with flooding is well recognised in Caerphilly. The Council has carried out a number of flood alleviation schemes over the last 6 years at Bargoed, Cwmfelinfach, Pengam, New Tredegar, Abertridwr, Hendredenny, Ynysddu, Penpedairheol, Deri, Abercarn, Aberbargoed, Bedwas, Nelson and Senghenydd and works are currently ongoing at Newbridge. The Council has been actively working with the Welsh Government (WG) and NRW to minimise the risks.
- 4.6 For further information refer to report submitted to cabinet on 19<sup>th</sup> February 2013.

## **5. REPORT**

### **5.1 Progress**

5.1.1 CCBC has completed the Local Flood Risk Management Strategy which was approved by the Welsh Government on 15 April 2013. A summary of the Strategy has to be prepared and published. It is the intention of CCBC to complete the summary and publish on the CCBC webpage by 31 May 2013.

5.1.2 The LFRMS together with the updated Flood Maps for Surface Water will be used in order to develop the Flood Risk Management Plans. Guidance from Welsh Government regarding the preparation of the FRMP is in the process of being produced and will be available to all LLFAs by the end of June 2013.

### **5.2 Updated Flood Maps for Surface Water**

5.2.1 Natural Resources Wales have carried out revised surface water modelling for the whole of Wales and produced updated Flood Maps for Surface Water (uFMfSW). These maps, which have been published on the NRW webpage, show the following information:-

- 1 Flood maps for flood events with a chance of 1 in 30, 100 and 1000 of occurring in any year.
- 2 Estimated flood depth and velocity for each flood event.
- 3 Calculated figures for hazard rating, which is a multiplication of the depth and velocity.
- 4 Flow Direction
- 5 Confidence ratings for the information provided.
- 6 Various flood maps from previously modelling carried out by the EA including:
  - Areas Subject to Surface Water Flooding (AStSWF)
  - Flood Maps for Surface Water (FMfSW)
- 7 Various layers of Base Mapping

5.2.2 CCBC as a LLFA has been encouraged by Welsh Government to focus on:

1. Assessing how well the national mapping correlates with historic flooding
2. Reviewing confidence scores based on historic flooding
3. Deciding whether to recommend our locally produced mapping

5.2.3 Each LLFA is allowed to upload one set of data to the webpage, which may include up to three layers of information. CCBC have uploaded information on historic flooding incidents and details of existing culverts and drainage structures. On the basis of this local information CCBC have a responsibility to review the maps by adding the following information:-

- 1 Notes, for the benefit of CCBC.
- 2 LLFA feedback which will be used to amend the confidence score for the data at individual locations
- 3 Model Location where local modelling is available.

5.2.4 It is the intension of CCBC to add feedback based on the extensive historic records of flooding. It is not proposed to add notes and as no additional modelling is available no model locations will be added. Work on the addition of LLFA feedback is well advanced and will be completed by the deadline of 22 June 2013.

5.2.5 NRW will produce updated Flood Maps for Surface Water by 22 December 2013 as required under the Flood Risk Regulations.

### **5.3 Flood Risk Management Plans (FRMP)**

- 5.3.1 The FRMP is to be completed by 22 June 2015, and will require Caerphilly as a LLFA to formulate and implement a Flood Risk Management Plan based on the flood risk and flood hazard maps produced in Stage 2 (please refer to 5.1). This will bring together all the objectives and measures that related to: the reduction of flood risk; protection of individuals, communities and the environment against the consequences of flooding; and arrangements for forecasting and warning. Formulating this plan will involve considering the need for flood management actions and resilience measures for work to be done by partners, such as Welsh Water. The Council will include the plan as an integral part of its Local Flood Risk Management Strategy under the Flood Water Management Act, by using the plan to implement its Strategy.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 An Eqla screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full Eqla has not been carried out.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The current situation regarding Welsh Government Flood Risk Management funding is summarised below:

- £22,727 of WG funding has already been received and used to prepare the Preliminary Flood Risk Assessment (PRFA) in the year 2010-2011.
- Further sums of £90,000 per annum have been made available by the WG for the years 2011-2012 and 2012-2013 to fund the preparation of the LFRMS and the provision of an Asset Register for items that have a significant effect on flood risk.
- A further sum of £100,000 has been provided by WG for the period 2013-2014.
- It is anticipated that the WG will provide further funding for the years 2014-2015 for the continued implementation of the requirements of the Act.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are staffing issues regarding the new roles and responsibilities placed on the council under the act, particularly with respect to the management of surface water flooding, the transfer of the Land Drainage Act 1991 for consenting and enforcement powers from NRW to LLFA and the approval and adoption of Sustainable Urban Drainage Systems. These impacts are currently being reviewed and specialist consultant expertise being procured, where necessary, from the identified WG funding highlighted above.
- 8.2 The review of the Flood Maps for Surface Water will be completed using the resources currently available within the Highway Operations Group drainage section, along with an informal collaboration agreement with Merthyr Tydfil CBC to share resources where practical. All associated costs are being attributed to the identified WG funding.
- 8.3 An additional member of staff has been employed to assist in the future development of the Drainage Asset Database and the preparation of the Flood Risk Management Plans.

## **9. CONSULTATIONS**

- 9.1 Consultation is not required regarding feedback on the updated Flood Maps for Surface Water.
- 9.2 Significant consultation will be carried out with our Risk Partners and the Public as part of the preparation of the Flood Risk Management Plans.

## **10. RECOMMENDATIONS**

- 10.1 Members note the progress made to date regarding the completion of the Preliminary Flood Risk Assessment and the Local Flood Risk Management Strategy.
- 10.2 Members note that CCBC have forwarded feedback on the Updated Flood Risk Management Plans to Welsh Government.
- 10.3 Members note the broad implications of the new legislation on resources and the flexibility needed around these as the schedule of work unfolds. These resources will be funded from the funding provided by WG for implementation of this legislation.

## **11. STATUTORY POWER**

- 11.1 Land Drainage Act 1991.
- 11.2 Flood And Water Management Act 2010.

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