

TEWKESBURY BOROUGH COUNCIL

Report to:	Overview and Scrutiny Committee
Date of Meeting:	12 March 2019
Subject:	Flood Risk Management Group Annual Report
Report of:	Chair of the Flood Risk Management Group
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	None

Executive Summary:

The report provides an annual summary of the Flood Risk Management Group.

Recommendation:

To CONSIDER the annual summary report of the Flood Risk Management Group.

Reasons for Recommendation:

The Overview and Scrutiny Committee, at its meeting on 20 March 2018, agreed that the Chair of the Flood Risk Management Group be asked to provide a summary report on an annual basis.

Resource Implications:

None as a direct result of this report.

Legal Implications:

The Council has powers, under Section 14A of the Land Drainage Act 1991, to undertake flood risk management work where it considers that work is desirable, having regard to the local flood risk management strategy for its area, and where the purpose of the work is to manage a flood risk from an ordinary watercourse. The works that the Council is permitted to do under this section is wide-ranging and includes the construction or maintenance of existing works (which include buildings, structures, watercourses, drainage works and machinery).

Where the works are to be carried out on land not owned by the Council; agreements can be put in place to cover consent of the land owner for the works to be carried out. However; under Section 64 of the Land Drainage Act 1991, the local authority may, at all reasonable times, enter any land for the purpose of exercising any functions under the Act without recourse to compensation where operations are undertaken with all reasonable care.

In addition, under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 13 Class C; the Council has Permitted Development rights in, on or under any watercourse or land drainage works required in connection with the improvement, maintenance or repair of that watercourse or those works.

The Council's contract rules need to be followed when appointing contractors in regard to the above.

Where there are joint projects, such as with the Environment Agency, the Council can enter into agreements which set out each party's obligations and responsibilities in relation to these projects, including ongoing maintenance of the works.

Gloucestershire County Council has historically made grants available to the District Councils to undertake flood alleviation schemes. Any new scheme under this arrangement costing in excess of £1,000 will be subject to a legal agreement.

Risk Management Implications:

A failure to deliver against the action plan will mean that the authority will not be adequately managing the risk of flooding in the borough, particularly in relation to land within the local authority ownership.

Performance Management Follow-up:

Performance against the action plan is monitored at the Flood Risk Management Group on a quarterly basis.

Environmental Implications:

The Council has a legal duty to further the conservation and enhancement of natural beauty and the conservation of flora and fauna. It also has statutory duties to prevent deterioration in the status of aquatic ecosystems, protect them and improve the ecological condition of waters; promote sustainable use of water as a natural resource; conserve habitats and species that depend directly on water and contribute to mitigating the effects of floods and droughts.

Any work involving watercourses or the cutting back of trees or hedges will be carried out at the time of year that has least impact on wildlife and habitat (e.g. bird nesting season). In addition; where necessary, the appropriate licences will be applied for.

1.0 INTRODUCTION/BACKGROUND

1.1 At its meeting on 20 March 2018, the Overview and Scrutiny Committee recommended to the Executive Committee that:

- a) That the annual report on progress against the Flood Risk Management Group Action Plan be **NOTED**.
- b) That the Chair of the Flood Risk Management Group be asked to provide an annual summary report in future.

1.2 The Flood Risk Management Group meets on a quarterly basis and last met on 18 February 2019. It is currently chaired by the Lead Member for Corporate Governance.

2.0 FLOOD RISK MANAGEMENT GROUP ACTION PLAN

2.1 The Flood Risk Management Group monitors land drainage and flood risk projects by way of reference to the Flood Risk Management Action Plan. The action plan is a 'living' document to which funding or partnership opportunities can be added as and when they arise.

2.2 The Action Plan is split up into a number of areas

- 1) Live Capital Projects
- 2) Tewkesbury Borough Council Programme of watercourse maintenance
 - Tewkesbury Borough Council-owned watercourse maintenance works 2018/19
 - Tewkesbury Borough Council-owned watercourse maintenance proposed 2019/20
- 3) Forward Plan - Future Maintenance Issues
- 4) Update on grant applications
 - Existing schemes
 - Funding bids in progress.

3.0 LIVE CAPITAL PROJECTS

3.1 In terms of the live capital projects, one of the projects in the action plan relates to the Grange Field. This project stems from the watercourse adjoining The Grange public open space and the rear gardens of The Highgrove in Bishop's Cleeve having been in a very poor state and in parts collapsed, leading to an insurance claim from an adjacent homeowner.

3.2 A more innovative approach of remedy was undertaken (as opposed to traditional concrete and gabion basket). This was by creating a diversion of the channel to create an improved meandering watercourse with associated wetland and wildflower meadow features. This is also a more cost effective and value for money option with meaningful multiple benefits in association with flood risk, water and air quality, biodiversity, and amenity. Additional benefits include reducing the Council's future liability to insurance claims and it is anticipated that fewer future maintenance operations will be required.

3.3 There is £180,000 approved allocation to this project, which is also acting as match funding against the European Regional Development Fund which has been secured, details of which are covered at Paragraph 8.

3.4 The substantive civil engineering work on the project has been completed and has come in under budget. The soft landscaping and compensatory planting will be progressed over the next three years, in accordance with the appropriate planting season. So far, the overall feedback from park users and local residents continues to be overwhelmingly positive.

4.0 TEWKESBURY BOROUGH COUNCIL-OWNED WATERCOURSE MAINTENANCE WORKS 2018/19

4.1 In relation to Tewkesbury Borough Council Programme of Watercourse maintenance; the Council owns various parcels of land across the borough and some of these have watercourses either running through them or adjacent to them. This means that the Council is a 'riparian' owner with responsibilities to maintain these watercourses in good condition. In 2009, the Council agreed to increase the land drainage revenue budget in order to allow for routine maintenance work to be carried out. At the time of writing, during 2018/19, 95 projects have been completed across the borough incorporating desilting, blockage clearance, flail cutting and hedge cutting, as well as reactionary work such as felling and removal of trees etc. This has amounted to a spend of £41,465 out of the £45,000 allocation. The Flood Risk Management Group is expressed concern at the size of this budget, which has not increased in the last decade, especially in light of the amount of development and subsequent adoption of land the borough has witnessed. The Flood Risk Management Group will be working with Officers over the coming months to consider increasing the fund as part of the 2020/21 budget proposals.

5.0 TEWKESBURY BOROUGH COUNCIL OWNED WATERCOURSE MAINTENANCE WORKS PROPOSED 2019/20

5.1 The action plan contains the currently programmed core maintenance works proposed in 2019/20, and includes 43 projects across the borough involving desilting, flail cutting and clearance of shrubs, amounting to a total of £22,914. This does not take account of any reactionary requirements, or those areas where an annual assessment is made as to whether further work is required. This will be monitored in the 2019/20 year through officer updates to the Flood Risk Management Group.

5.2 In 2017 a tender was offered for a call-off contract to cover our maintenance liabilities for three years, plus an option for a two-year extension. Two contractors – Gardiners and Hartell NB - were procured. The contract is realising a saving over the previous arrangements. The Council has also received compliments for the contractor's workmanship and interaction with the public.

6.0 FORWARD PLAN - FUTURE MAINTENANCE ISSUES

6.1 There are currently four projects listed on the Forward Plan – Future Maintenance Issues – which are outside of the general riparian maintenance program that may require potential investment in the coming years. As potential 'horizon' projects; these sites are monitored and updates are reported to the Flood Risk Management Group.

7.0 GRANT APPLICATIONS – EXISTING SCHEMES

7.1 In relation to grant applications, the action plan details four schemes. These are being led by Gloucestershire County Council as the Lead Local Flood Authority, with funding coming from Flood Defence Grant in Aid, Local Levy and Gloucestershire County Council. One scheme at Prestbury has now been completed and the three remaining live projects are still evolving, with an estimated earliest start of construction being 2019/20. They relate to i) Bishops Cleeve, Woodmancote and Southam, ii) Churchdown and iii) Brockworth.

8.0 FUNDING BIDS IN PROGRESS

- 8.1** In relation to funding bids in progress, under the European Regional Development Fund (ERDF), there is a notional allocation for Gloucestershire of £3M for 'Priority Axis 6: Preserving and Protecting the Environment and Promoting Resource Efficiency'.
- 8.2** The Council's scheme is part of the wider consortium bid surrounding Green Infrastructure in the Joint Core Strategy area. The consortium has been successful in the funding application and has now completed the first stage towards grant claim - the Project Inception Visit from the Ministry of Housing, Communities and Local Government.
- 8.3** The Council's scheme surrounds the betterment of areas of public open space of very low ecological value, into a network of vibrant mini-meadow / pocket park areas. This will provide multiple benefits in the way of flood risk, water and air quality, biodiversity, amenity and anti-social behaviour. It also has the potential to lessen the Council's future maintenance liability due to a much-reduced cutting regime. The Grange Field project acts as the match funding and, evidently, they are intrinsically linked.

9.0 WORKING IN PARTNERSHIP

- 9.1** Tewkesbury Borough Council, together with Gloucestershire Rural Community Council, is working with other partners to help communities in Tewkesbury Borough increase their knowledge, as well as resilience to floods. This includes a number of flood warden training events held in 2018/19, which will continue throughout 2019/20.

10.0 CONCLUSION

- 10.1** As well as continuing progress on specific projects the Council has been, and continues to be, successful in drawing in money from various sources to help fund further capital projects which help protect our residents, not only from inundation, but also water quality and pollution issues. Officers will continue to identify and apply for funding in the future, so there will be a constant, continuing process of working with local communities to identify flood risk management projects.

11.0 OTHER OPTIONS CONSIDERED

- 11.1** None

12.0 CONSULTATION

- 12.1** None as a direct result of this report.

13.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 13.1** Those of the Joint Core Strategy, saved policies of the Tewkesbury Borough local plan to 2011 and those from the emerging Tewkesbury Borough Plan 2011 to 2031

14.0 RELEVANT GOVERNMENT POLICIES

- 14.1** None.

15.0 RESOURCE IMPLICATIONS (Human/Property)

15.1 Tewkesbury Borough Council employs a Flood Risk Management Engineer. Part of the post holder's responsibilities is to identify flood risk management funding opportunities and submit bids, as well as to monitor progress on the action plan.

16.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

16.1 Positive flood risk management can reduce the likelihood that local residents and businesses will suffer damage and disruption, and the consequential impact that flooding can have on the health, welfare and finances of those affected.

17.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

17.1 None as a direct result of this report.

Background Papers: None.

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Appendices: None