



Special Environment and Sustainable Communities Overview and Scrutiny Committee

Date **Wednesday 4 February 2015**
Time **9.30 am**
Venue **Committee Room 1B, County Hall, Durham**

Business

Part A

Items during which the Press and Public are welcome to attend. Members of the Public can ask questions with the Chairman's agreement.

1. Apologies.
2. Substitute Members.
3. Declarations of Interest, if any
4. Any items from Co-opted Members or interested parties.
5. Flooding Scrutiny review report - Update on recommendations: Joint Report of the Assistant Chief Executive and Corporate Director Neighbourhood Services. (Pages 1 - 14)
6. Flood Risk Management Authorities for County Durham - Updates: (Pages 15 - 18)
 - (i) Report of the Assistant Chief Executive.
 - (ii) Presentations by Durham County Council, Northumbrian Water and the Environment Agency.
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

27 January 2015

To: **The Members of the Environment and Sustainable Communities
Overview and Scrutiny Committee:**

Councillor B Graham (Chairman)
Councillor D Hall (Vice-Chairman)

Councillors E Adam, J Armstrong, D Bell, E Bell, J Clare, J Clark, D Freeman,
J Gray, G Holland, K Hopper, I Jewell, C Kay, P May, O Milburn, S Morrison,
J Shuttleworth, P Stradling, L Taylor and S Zair

Co-opted Members:

Mr T Bolton and Mrs P Spurrell

Contact: Lucy Gladders

Tel: 03000 269712

**Environment and Sustainable
Communities Overview and
Scrutiny Committee**



4 February 2015

**Update: Flooding Scrutiny
Review**

**Joint Report of Lorraine O'Donnell, Assistant Chief Executive
and Terry Collins, Corporate Director, Neighbourhood
Services**

Purpose of the Report

- 1 The attached Appendix 2 describes the progress made in relation to the recommendations contained within the 'Flooding' Scrutiny Review report published in September, 2014.

Background

- 2 At the meeting of the Environment and Sustainable Communities Overview and Scrutiny Committee on the 21 June 2013 members as part of the refresh of the work programme for 2013-2015 identified flooding as a future Scrutiny Review project. It was felt by the committee that flooding was a topical issue and that as a result of flooding incidents within County Durham causing damage in local communities and impacting on service delivery there was a need to examine whether the policies and plans in place were 'fit for purpose' and minimised the impact of flooding within the County.
- 3 A review group was established consisting of ten members of the Environment and Sustainable Communities Overview and Scrutiny Committee. The group met on 8 occasions which included a visit to various flood mitigation schemes within the County and a meeting where members of Durham County Council provided detail of the impact of flooding within their localities.
- 4 The Flooding scrutiny review report was considered by Cabinet at the meeting on the 10 September, 2014. At that meeting Cabinet agreed the recommendations contained within the review report which included a recommendation for a six monthly update on progress against recommendations contained in the report. It is therefore considered timely for an update to be given to members at the special meeting of the committee arranged for the 4 February when members will also receive presentations from the Flood Risk Management Authorities for County Durham.

Terms of Reference of Review

5 It was agreed by the group that the review would focus on:

- What policies and plans are in place to manage flood risk in County Durham?
- How Durham County Council (DCC) and partners work together to mitigate the risk of flooding?
- Establish what emergency plans are currently in place in the event of flooding incidents occurring and the role and responsibilities of Neighbourhood Services and the Civil Contingencies Unit?
- Establish the role of planning policies in mitigating the risk of flooding both in relation to new development and the capacity of an ageing sewerage and drainage system to cope with increased demand?
- Investigate funding available to DCC and partners in relation to preventing flooding incidents and alleviating the impact of flooding?
- Establish how we communicate with, engage and involve communities in flood risk management including vulnerable groups?
- Establish how DCC should discharge its statutory responsibilities regarding the specific role of Overview and Scrutiny in relation to flood risk management?

Recommendations of the Review

6 The Scrutiny review made the following recommendations:

- That DCC continue to maximise the funding opportunities available for flood prevention schemes through the Flood Defence Local Levy, the Flood and Coastal Risk Management Grant in Aid Scheme and the EU funding programme 2014-2020.
- That the Environment and Sustainable Communities Overview and Scrutiny Committee in their role as the designated Flood and Coastal Erosion Risk Management Committee formalise the process for engaging with the Flood Risk Management Authorities within County Durham by meeting on an annual basis. As part of this role the committee would receive information from Northumbrian Water Limited on sewerage treatment capacity within County Durham.
- That the Environment and Sustainable Communities Overview and Scrutiny Committee receive the minutes of the Northumbria Regional

Flood and Coastal Committee (NRFCC) and the Durham Strategic Flood Prevention Group (DSFPG) on a quarterly basis together with regular updates on:

- The development of Sustainable Urban Drainage Systems Approval Body (SAB).
 - Additional Drainage Area Studies (DAS) undertaken.
 - The development of the new approach to building community resilience.
 - Work undertaken with private land owners including detail of actions taken and any flood prevention measures implemented.
 - Lessons learned from flooding incidents.
- That the importance of Policy 46 in the emerging County Durham Plan is highlighted in relation to managing flood risk.
 - That Durham County Council establishes the appropriate mechanisms to enable it to collect any charges in respect of Sustainable Urban Drainage Systems (SuDS) that have been adopted by the Council.
 - That Durham County Council as part of the Customer First Strategy introduces a flooding hotline number for use during flooding emergencies.
 - That a review of this report and progress made against recommendations will be undertaken six months after the report is considered by Cabinet and that those members who have experienced flooding incidents within their localities receive an update of the progress made against the recommendations.

Current position

- 7 The attached Action Plan (Appendix 2) provides information on the progress made in relation to the recommendations contained in the Scrutiny review report.

Next steps

- 8 The Environment and Sustainable Communities Overview and Scrutiny Committee as part of the systematic review process will receive a further update of progress made in relation to the recommendations contained in the review report at a future meeting of the Committee.

Recommendations

- 9 Members of the Environment and Sustainable Communities Overview and Scrutiny Committee are asked to consider and comment upon the progress made in relation to the recommendations contained in the Scrutiny Review report.
- 10 That the Environment and Sustainable Communities Overview and Scrutiny Committee receive a further report detailing progress made against the recommendations contained in the Scrutiny Review report at a future meeting of the Committee.

Background Paper(s)

Flooding Scrutiny Review Group Report - 2014

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Appendix 1: Implications

Finance – The report identifies the importance of Durham County Council utilising all funding opportunities available to mitigate flood risk within the County including the Flood Defence Local Levy, the Flood and Coastal Risk Management Grant in Aid Scheme, DCC revenue and capital programmes, EU Funding Programme 2014-2020 and funding via Northumbrian Water Limited according to a specific criteria. In addition Durham County Council will need to establish the appropriate mechanisms to enable it to collect any charges in respect of Sustainable Urban Drainage Systems (SuDS) that have been adopted by the council.

Staffing – None.

Risk – As Lead Local Flood Authority Durham County Council has responsibility for preparing a strategy for local flood risk management.

Equality and Diversity Public Sector Equality Duty - The report identifies groups that will be more at risk during flooding incidents including older people, people with disability and younger people. The review report takes into consideration Equality and Diversity and has resulted in the necessary Equality Impact Assessment being carried out.

Accommodation – None

Crime and Disorder – None

Human Rights – None

Consultation – None

Procurement – None

Disability Issues – The report identifies groups that will be more at risk during flooding incidents which includes people with a disability. During emergency flooding incidents Civil Contingency officers will be aware of local residents who will require more assistance ensuring that support is provided to the vulnerable.

Legal Implications - None

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OVERVIEW AND SCRUTINY REVIEW REPORT – FLOODING
REVIEW OF RECOMMENDATIONS CONSIDERED BY CABINET ON: 10 SEPTEMBER, 2014

Review Recommendation	Progress report of action taken to implement recommendation	Resib'ty	Timescale
<p>1) That Durham County Council continue to maximise the funding opportunities available for flood prevention schemes through the Flood Defence Local Levy, the Flood and Coastal Risk Management Grant in Aid Scheme and the EU funding programme 2014-2020.</p>	<p>NWL continue to play an active role in the Flood Risk Management (FRM) Partnership meetings with Durham County Council. We are actively sharing details regarding flood risk reduction projects within our respective capital programmes to identify the potential for collaborative working, shared funding possibilities and maximised benefits</p> <p>NWL also contributed £25k to the Lead Local Flood Authority training programme to support skills development associated with preparation and submission of funding applications. A benefits assessment course based on multi-coloured manual is planned for January 2015</p> <p>In 2014 the principal drainage authorities across the north east of England (13 Lead Local Flood Authorities (LLFAs), Environment Agency (EA) and Northumbrian Water (NWL) recognised the benefits of integrated working in balancing reactive short term needs with longer term strategic planning for the provision of sustainable drainage systems. These authorities, as the Northumbria Integrated Drainage Partnership (NIDP), have worked together to produce and implement a regional risk based prioritisation methodology to promote a proactive approach to the delivery of their common aspirations. The actions of this group are complementary to and work in support of Strategic Flood Risk Management. As a result of this prioritisation approach we have been working with Durham CC to complete an integrated drainage study for the Durham City & Newton Hall area of the County.</p>	<p>Northumbrian Water Limited (NWL) (Les Hall)</p>	<p>Ongoing</p>

	<p>The key driver for the study is to facilitate growth in the area without adverse impacts on the performance of the integrated drainage system ie. Adverse impact on flood risk or water quality.</p> <p>NWL are leading a “SuDS for schools and communities” project which has now delivered SuDS installations at two schools in the region and a third is scheduled for early 2015. One of these locations is Woodhouse Close Primary School at Bishop Auckland where swales, wetlands and rain gardens have been created to provide flood risk reduction benefits as well as providing a vehicle for education and engagement with the children, parents and the wider community. At the FRM meetings we have also discussed the principle of implementing community based projects in the form of (Community Action Plans) that would include aspects of engagement, education, water efficiency, flood risk reduction and flood resilience.. We have secured some funding and are in the process of identifying candidate communities; some of which will be in County Durham.</p> <p>The data sharing protocol we have agreed with the council allows us to share data and in particular models which have a value which can count as a formal contributions in support of LLFA funding applications</p> <p>The quarterly operational liaison meetings provide an early opportunity for the identification of integrated drainage issues.</p> <p>Recently NWL supported The Wear Rivers Trust in their Heritage Lottery Funding application for Tindale Beck catchment area of Bishop Auckland.</p>		
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Review Recommendation	Progress report of action taken to implement recommendation	Resib'ty	Timescale
<p>Page 10</p> <p>3) That the Environment and Sustainable Communities Overview and Scrutiny Committee receive the minutes of the Northumbria Regional Flood and Coastal Committee (NRFCC) and the Durham Strategic Flood Prevention Group (DSFPG) on a quarterly basis together with regular updates on:</p> <ul style="list-style-type: none"> • The development of Sustainable Urban Drainage Systems Approval Body (SAB). • Additional Drainage Area Studies (DAS) undertaken. • The development of the new approach to building community resilience. 	<p>in relation to development sites.</p> <p>Frequent liaison meetings between DCC Drainage Team and NWL to discuss strategic and operational issues.</p> <p>DCC is currently developing an interim SuDS policy to enable developers to put forward SuDS systems for adoption by DCC along with a maintenance fund paid for by residents of the development.</p> <p>NWL have not undertaken any further DAS as the current studies cover the majority of growth across County Durham. During Asset Management Plan 6 we will enhance and verify some of these models by carrying out flow monitoring in those areas of greatest risk.</p> <p>Presentations re community resilience have been given to all AAPs, with some asking for further presentations to sub groups, Town and Parish Councils, Residents Associations and local businesses. Various communities are currently preparing community emergency plans with the CCU facilitating the writing of these plans. It is hoped that 5 plans will have been prepared by April 2015. This work will continue until April 2017.</p>	<p>Drainage Team (DCC)</p> <p>Drainage Team, legal</p> <p>NWL</p> <p>CCU (SMJ)</p>	<p>Ongoing</p> <p>Ongoing</p> <p>2015-20</p> <p>April 2017</p>

Review Recommendation	Progress report of action taken to implement recommendation	Resib'ty	Timescale
<ul style="list-style-type: none"> • Work undertaken with private land owners including detail of actions taken and any flood prevention measures implemented. 	<p>DCC has powers to carry out works on private land, but whenever possible the preferred method of working is in agreement with landowners rather than pursuing legal enforcement.</p>	<p>Drainage Team</p>	<p>Ongoing</p>
<ul style="list-style-type: none"> • Lessons learned from flooding incidents. 	<p>Flooding investigations have revealed a number of issues primarily relating to poor maintenance of systems. Examples include silting of pipework, tree root penetration causing blockages etc. It is evident from this that that we need to sustain a pro-active, cyclical maintenance regime to ensure wherever possible that systems remain operational to reduce flood risks.</p>	<p>DCC</p>	<p>Ongoing</p>
<p>4) That the importance of Policy 46 in the emerging County Durham Plan is highlighted in relation to managing flood risk.</p>	<p>Whilst this appears to be an action for Durham County Council, NWL would wish to comment on Policy 46.</p> <p>In responding to emerging Local Plans with other local planning authorities across the region we directly reference Policy 46 as being exemplar for the region and actively encourage other councils to consider and implement similarly worded policies.</p> <p>Newcastle and Gateshead councils' local plan which has been through the examination in public stage included such a policy and Northumberland County Council's current consultation includes policy wording which mirrors the Durham approach.</p> <p>Policy 46 of the County Durham Plan has been through the Examination in Public. The Inspectors</p>	<p>NWL (Les Hall)</p>	<p>Ongoing</p>
<p>Page 11</p>	<p>Spatial Policy, RED</p>	<p>Policy 46 to be monitored</p>	

Review Recommendation	Progress report of action taken to implement recommendation	Resib'ty	Timescale
<p>Page 12</p> <p>5) That Durham County Council establishes the appropriate mechanisms to enable it to collect any charges in respect of Sustainable Urban Drainage Systems (SuDS) that have been adopted by the council.</p>	<p>report is due end of January. Once the County Durham Plan is adopted, Policy 46 will be monitored to ensure it is being implemented effectively.</p> <p>Money is likely to be collected as part of the planning and development process. However, there is still uncertainty around the process and what charges the developers will incur.</p> <p>Schedule 3 of the Flood and Water Management Act has not yet been enacted, news released by DEFRA on 18th December 2014 has indicated that there will be a change to the National Planning Policy Framework, to include provision for SUDS to be installed wherever possible for all major developments, i.e. all planning applications of more than 10 properties or >0.5Ha, the anticipation if for this recommendation to be implemented by April 2015.</p> <p>DCC working in partnership with a local housing developer, Keepmoat, has established a mechanism to apply a "land rent" charge for residents to contribute towards the maintenance of SuDS on sites. This "rent" will be collected by DCC and will be used exclusively for the maintenance of SuDS on that development. The possibilities of this arrangement being extended to other sites and developers is currently being explored.</p> <p>Unofficial indications from a Defra representative are suggesting that DCC is the first authority in the UK to take this action</p>	<p>Neighbourhoods and RED</p>	<p>Annually</p> <p>Ongoing</p>

Review Recommendation	Progress report of action taken to implement recommendation	Resib'ty	Timescale
<p>6) That Durham County Council as part of the Customer First Strategy introduces a flooding hotline number for use during flooding emergencies.</p>	<p>The potential to introduce a flooding hotline number has been considered carefully by the Neighbourhood Services, who provide the following comments:</p> <p>The commitments in the Customer First Strategy reflect customer desire to make it easy for them to contact us, this is especially the case in times of emergency. The approach adopted in relation to telephony is to reduce, as far as possible, the number of telephone numbers that customers need to know, building on the “golden numbers” that are now established in customer services. Over the last 2 years, some considerable effort has been put into communicating these key numbers to residents to ensure they can access services easier – the main 03000 260000 is used in a range of publications including the phone book etc, along with the 03000 261000 streetscene number.</p> <p>The response provided when we receive a flooding alert is to adapt the routing on our main telephone numbers (those being 03000 260000 and 03000 261000) so that if customers are ringing about a flooding issue they should to press option “0”. By doing this the call is immediately directed to call handlers trained to take those calls. The publicised emergency number for out of hours calls is also 03000 260000 so this ensures that all calls are directed to the right place no matter when customers ring. It is recommended that this system remains in place rather than the introduction of a separate and entirely different number to those already familiar to many resident for contacting their council.</p> <p>This not only removes the need for customers to find</p>	<p>Neighbourhood Services</p>	<p>Ongoing</p>

and dial a separate number exclusively for use only in times of flooding, but also allows, through the modern call centre systems, the customer services team to supply the maximum resource possible to flooding related calls when required. Additionally it removes any potential for confusion with the national flooding hotline provided and managed by the Environment Agency.

**Environment and Sustainable
Communities Overview and Scrutiny
Committee**



4 February 2015

**Flood Risk Management Authorities for
County Durham**

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To provide background information for members of the Environment and Sustainable Communities Overview and Scrutiny Committee on the role and responsibilities of the committee as the Flood and Coastal Erosion Risk Management Committee for County Durham prior to receiving presentations from the Flood Risk Management Authorities (RMAs) for County Durham (Durham County Council (DCC), Northumbrian Water and the Environment Agency).
- 2 Members will recall that as part of the refresh of the work programme the Environment and Sustainable Communities Overview and Scrutiny identified flooding as the topic for focused scrutiny review. Members of the committee felt that flooding was a topical issue with flooding incidents in the county causing damage to local communities and impacting on service delivery. The review focused on ensuring that the policies and plans that Durham County Council (DCC) and partners had in place to deal with flooding were 'fit for purpose'.
- 3 The review commenced in October 2013, consisted of 8 meetings and a visit to various flood mitigation schemes within the County and concluded in May 2014. The review process involved receiving information from the RMAs for County Durham which are DCC, Northumbrian Water and the Environment Agency. The report and recommendations were considered by Cabinet at the meeting on the 10 September, 2014.

Flood and Coastal Erosion Risk Management Committee

- 4 At the meeting of the review group held on the 14 March 2014 members received a report detailing the specific role for Overview and Scrutiny Committees of Lead Local Flood Authorities (DCC is the Lead Local Flood Authority for County Durham) under the Flood and Water Management Act 2010 and the Localism Act 2011. Under this legislation Overview and Scrutiny within DCC has to designate an Overview and Scrutiny Committee as the Flood and Coastal Erosion Risk Management Committee for County Durham. The Environment and Sustainable Communities Overview and Scrutiny Committee has been designated the Flood and Coastal Erosion Risk Management Committee for County Durham as a result of the above legislation.

- 5 The legislation requires that Overview and Scrutiny Committees in Lead Local Flood Authorities to hold RMAs to account with RMAs under a duty to comply with a request made by the relevant Overview and Scrutiny Committee for information or a response to a report in relation to its flood or coastal risk management function.
- 6 The Environment and Sustainable Communities in the past had taken a reactive approach in its role as the Flood and Coastal Erosion Risk Management Committee for County Durham receiving reports and presentations following flooding incidents detailing how DCC and partners had responded.
- 7 It was felt by the scrutiny review group that in addition to receiving reports and presentations following flooding incidents within the County there was a need for the Environment and Sustainable Communities Overview and Scrutiny Committee in its role as the Flood and Coastal Erosion Risk Management Committee for County Durham to be proactive in approach. It was therefore recommended within the scrutiny review report that the committee engage with the RMAs for County Durham on an annual basis (Recommendation 2 of report).

Current Position

- 8 A special meeting of Environment and Sustainable Communities Overview and Scrutiny Committee has been arranged for the 4 February, 2015 at which members will receive a progress update on the recommendation contained in the Flooding scrutiny review report together with presentations from the RMAs for County Durham (DCC, Northumbrian Water and the Environment Agency) providing an opportunity for members to engage with the RMAs. The presentations will focus on:
 - An update on flood mitigation schemes within the County.
 - Future flood mitigation schemes together with detail of funding.
 - Any issues in relation to current and future flood mitigation schemes within County Durham.
- 9 The Flooding scrutiny review report also recommended that those County Council members who had experienced incidents of flooding within their communities should be kept updated on the progress made in relation to the recommendations contained in the scrutiny review report and therefore an invitation has been sent to these members providing an opportunity for them to attend the meeting on the 4 February, 2015 (Recommendation 7 of report).

Recommendations

- 10 That the Environment and Sustainable Communities Overview and Scrutiny Committee in its role as the Flood and Coastal Erosion Risk Management Committee for County Durham note and comment upon the information in the respective presentations.

- 11 That the Environment and Sustainable Communities Overview and Scrutiny Committee in its role as the Flood and Coastal Erosion Risk Management Committee for County Durham receive further presentations from the Risk Management Authorities at a future special meeting of the committee scheduled for February 2016.

Background papers

Flooding scrutiny review report 2014

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Appendix 1: Implications

Finance – None

Staffing – None

Risk - None

Equality and Diversity – None.

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation – None

Procurement - None

Disability Discrimination Act – None

Legal Implications –None