

**Report To:** Partnerships Scrutiny Committee

**Date of Meeting:** 25<sup>th</sup> April 2013

**Lead Member/Officer:** Lead Member for Public Realm/  
Corporate Director: Economic and Community  
Ambition

**Report Author:** Senior Engineer, Flood Risk Management

**Title:** Flood Risk within Denbighshire

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**1. What is the report about?**

The sources and extent of flood risk within Denbighshire.

**2. What is the reason for making this report?**

To provide an update on the Council's understanding of local flood risk, its duties and responsibilities as a Lead Local flood Authority under recent legislation and on the development of the Local Flood Risk Management Strategy.

**3. What are the Recommendations?**

That the Committee considers the information provided and supports the development of the Local Flood Risk Management Strategy.

**4. Report details.**

**4.1 Preliminary Flood Risk Assessment – Overview and Update**

As a requirement of the Flood Risk Regulations, in December 2011 the Council published its first Preliminary Flood Risk Assessment (PFRA) report. The report identified, using information provided by the Environment Agency, that there are approximately 1,600 Denbighshire properties at significant risk of surface water flooding, that is, where the flood water could exceed a depth of 300mm during a rainfall event with a 1 in 200 annual chance of occurring. However, based on the criteria set by the Welsh Government, there are no Flood Risk Areas in Denbighshire. Whilst this might seem a surprising conclusion, it must be borne in mind that part of the purpose of carrying out PFRA's in England and Wales was to establish whether there are areas of nationally significant flood risk in each Lead Local Flood Authority area. To put this into context, there are 10 Flood Risk Areas in England and 8 in Wales. However, the threshold set by the Welsh Government for Wales was considerably lower than that used in England. Had the English model been used, Wales would have a single Flood Risk Area (Rhondda Cynon Tâf).

**4.2 National and Local Flood Risk Management Strategies**

In November 2011, the Welsh Government published its National Strategy for Flood and Coastal Erosion Risk Management in Wales. The National Strategy is concerned with flood risk from rivers, the sea, surface water, groundwater, reservoirs and canals (but not sewers, which are the responsibility of the water companies). The National Strategy sets four overarching objectives:

- Reduce the consequences for individuals, communities, businesses and the environment from flooding and coastal erosion.
- Raise awareness of and engaging people in the response to flood and coastal erosion risk.
- Provide an effective and sustained response to flood and coastal erosion events.
- Prioritise investment in the most at risk communities.

The Flood and Water Management Act places a requirement on the Council, as a Lead Local Flood Authority, to develop, maintain, apply and monitor a Local Flood Risk Management Strategy. In November 2011, the Welsh Government issued guidance to Welsh authorities which suggested that Local Flood Risk Management Strategies should be in place by 31st March 2013. The Council was on course to meet this target until the widespread flooding that affected the county in November 2012. Staff resource was, understandably, diverted from work on the Strategy to the coordination of the investigation into the flooding. A proposal to defer the finalisation of the Strategy until the flood investigation has reached its conclusion has been reported to the Welsh Government, which is supportive of the Council's approach. In fact, at the Wales Flood Summit on 4th March 2013, the then Minister John Griffiths AM stated that all Lead Local Flood Authorities should review their strategies following the 2012 floods. It is anticipated that the necessary public consultation on the Strategy will commence in September 2013.

One of the key requirements for the Local Flood Risk Management Strategy is that it must specify the Council's objectives for managing local flood risk. It is proposed that the following objectives are included in the draft Strategy for public consultation:

- Improve the Council's understanding of local flood risk.
- Ensure that local communities understand their responsibilities in relation to local flood risk management.
- Work in partnership with other Risk Management Authorities and stakeholders.
- Actively manage flood risk associated with new development proposals.
- Encourage proactive, responsible maintenance of privately-owned flood defence and drainage assets.
- Investigate opportunities to reduce surface water run-off from the upper catchments and for flood storage in flood plain areas.
- Identify affordable, sustainable flood risk management projects.
- Ensure local FRM knowledge is aligned with the Councils emergency planning procedures

#### **4.3 Flood Risk Management Schemes**

The Council, with the assistance of Welsh Government grant aid, continues to support flood risk management schemes. These schemes have significantly reduced

the risk of flooding to around 750 properties in Ruthin, Llangollen, Gwyddelwern and Denbigh. On 17<sup>th</sup> January 2013, Environment Minister John Griffiths announced Welsh Government grant aid in support of the Corwen Flood Risk Management Scheme, valued at £2.5M. Work on the project is expected to commence this Spring.

#### **4.4 Duties and Responsibilities under the Flood and Water Management Act**

##### **4.4.1 Duty to Investigate Flooding**

On becoming aware of a flood in the county, the Council has a duty to investigate:

*a) which risk management authorities have relevant flood risk management functions and, b) whether each of those risk management authorities have exercised, or is proposing to exercise, those functions in response to the flood.*

In an effort to overcome any potential ambiguity or misinterpretation of the above clause, the Council has agreed a flood investigation methodology with Natural Resources Wales (formerly Environment Agency). See Appendix 1.

##### **4.4.2 Consenting of Works on Ordinary Watercourses**

On 6<sup>th</sup> April 2012, the Council took on the responsibilities for the consenting and enforcement of works on ordinary watercourses from the Environment Agency. The Council received 16 consent applications between June 2012 and March 2013.

#### **5. How does the decision contribute to the Corporate Priorities?**

Flooding has the potential to cause severe and prolonged disruption to the communities it affects. Understanding and managing local flood risk supports the Council's priority to develop the local economy.

#### **6. What will it cost and how will it affect other services?**

The full cost implications of the Council's new duties and responsibilities as a Lead Local Flood Authority are difficult to fully determine at this early stage in the implementation of the new legislation. The majority of the duties will be carried out within Highways and Environmental Services, with occasional support from colleagues in Planning Development Control, Policy Information and Research, Countryside Services, Emergency Planning and Legal Services.

Many of the new duties will require additional staff time to carry out; for example:

- The investigation of all flood incidents that occur within Denbighshire is potentially time consuming and difficult to plan for, given the unpredictable nature of the timing of flooding.
- The consenting of works to ordinary watercourses has a statutory 2 month determination period, which places pressure on the Council to respond in time and often involves protracted discussions with applicants. The rate at which applications are submitted is outside of the Council's control.
- The development of an asset register and record for all flood risk assets (not just Council assets).
- The role of the Council as a SuDS Approval Body (SAB).

**7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?**

By improving its understanding of local flood risk, the Council will be better prepared to manage the risk of flooding and reduce the impact on vulnerable groups.

**8. What consultations have been carried out with Scrutiny and others?**

The Council has consulted with Natural Resources Wales (formerly the Environment Agency and Countryside Council for Wales) as well as internal departments, and will carry out a public consultation on the draft Local Flood Risk Management Strategy.

**9. Chief Finance Officer Statement**

There are no financial implications arising directly from this report

**10. What risks are there and is there anything we can do to reduce them?**

As a Lead Local Flood Authority, the Council has statutory duties and responsibilities under the Flood Risk Regulations and Flood and Water Management Act. Failure to carry these out will damage the Council's reputation and could result in the withdrawal of future Welsh Government grant funding for flood and coastal defence schemes.

**11. Power to make the Decision**

Flood Risk Regulations (1999), Flood and Water Management Act (2010).

Article 6 of the Council's Constitution

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